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WITHDRAWN

AMERICAN CRISIS BIOGRAPHIES

Edited by

Ellis Paxson Oberholtzer, Ph. D.

The American Crisis Biographies

Edited by Ellis Paxson Oberholtzer, Ph.D. With the counsel and advice of Professor John B. McMaster, of the University of Pennsylvania.

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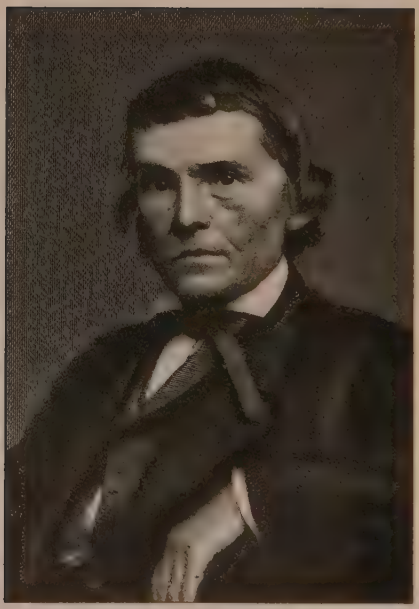

Alexander H. Stephens

AMERICAN CRISIS BIOGRAPHIES

ALEXANDER H. STEPHENS

by

LOUIS PENDLETON

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PREFACE

A LIFE of Alexander H. Stephens suited to the needs of the modern reader is desirable not only because of the peculiar personality of one of the ablest of the Southern statesmen of the old régime, and because of his association with great events as Vice-President of the Southern Confederacy, but because he was one of the most consistent figures in the long struggle between the champions of State sovereignty and the supporters of Federal supremacy. Though a fellow Georgian, I have found Stephens chiefly interesting as a battling representative of State sovereignty in its conflict with nationalism, and as one of the ablest of those who defied destiny in the age-long, evolutionary process—to which the terms "right" and "wrong" are too individual and personal to apply—finally producing a nation out of a mere confederation. The extent of the author's study of this general subject may be seen from the bibliography at the end of the volume, practically all available sources having been drawn on in order to illustrate the early weakness of the Federal government, the division of sovereignty under our dual system, the conflict between the partisans of State and nation, and the nullification and disunion sentiment so often and so violently manifested in all sections of the country during the first seventy years after the adoption of the Constitution.

A volume containing a short sketch of Stephens's life and the most important of his speeches was published by Henry Cleveland in 1866, and a biography with copious extracts from his letters—the collaboration of Messrs. Johnston and Browne—was brought out in 1878. Both of these are of great value as storehouses of facts, but, being put forth by personal friends of Stephens during his lifetime, are inevitably more eulogistic than discriminating. Moreover, both are now out of print.

In addition to the matter in these two volumes, I am indebted for information privately received through a number of friends in Georgia who were personally associated or acquainted with the subject of this biography, as well as to Mr. Alexander W. Stephens, of Atlanta, who placed at my disposal his great-uncle's scrap-book and the unpublished diary of the latter's prison life at Fort Warren. Much interesting material was also obtained through a search of the files of Georgia and other Southern newspapers of the forties, fifties and sixties, from old letters, scrap-books of the war period, and from manuscripts in the possession of the government at Washington.

It may be worth while to add that some of the facts found slumbering in dusty old newspaper files, though of great interest to the American historian, have never, so far as I am aware, been brought forward before: as, for example, that at a banquet at Swan Tavern, Richmond, in 1808, the Jefferson electors toasted the Union, declared secession to be "treason," and hurled that charge at the New England Federalists then plotting the establishment of a separate Northern Confederacy —showing that in both North and South the right of

secession was too often affirmed or denied according to the dictates of sectional interests or party policy, although, as a rule, that right, in the earlier times, was very generally recognized.

LOUIS PENDLETON.

December, 1907.

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CHRONOLOGY

1812—Birth of Alexander H. Stephens, February 11, in Wilkes County, Ga.

1828—Sent by the Georgia Educational Society to Franklin College (later the State University) at Athens.

1833—A country school teacher.

1834—Admitted to the bar at Crawfordville, Taliaferro County.

1836—Elected to the State legislature. Serves four years.

1841—Resigns to devote himself to his law practice.

1843—Elected to Congress.

1844—Speaks, December 19, in favor of the annexation of Texas.

1846—Speaks, June 16, in opposition to the war on Mexico as unjust.

1848—Stephens's resolutions on the war become the Whig platform in the presidential campaign. He is brutally assaulted and stabbed by Cone.

1850—He supports the Clay Compromise and writes that he foresees a disruption of the Union.

1851—He contributes largely to the triumph of the Unionists over the Secessionists in the election of Howell Cobb as Governor of Georgia.

1852—He campaigns for the Independent Whig ticket with Daniel Webster as candidate, voting for the latter even after his death.

1854—Speaks on the Kansas–Nebraska Bill, February 17, showing that popular sovereignty was the original Southern position, and that the North had already repudiated the Missouri Compromise.

1855—Stephens routs the Know Nothing party in Georgia.

1856—Speaks in Congress, June 28, in defense of slavery as a Biblical institution. Challenges Benjamin H. Hill to fight a duel.

1859—Retires from Congress.

1860—Opposes the policy of the extremists at the Charleston Convention and supports the Douglas ticket with its popular sovereignty platform. Speaks before the Georgia legislature, December 14, opposing secession as bad policy but asserting the right of a sovereign State to secede, and denouncing the "faithless States" of the North which had violated the compact of Union through their statutory repudiations of the fugitive slave clause in the Constitution.

1861—Speaks and votes against secession in Georgia's Convention, January 16–21. At the convention of the seceded States he is chosen Vice-President of the Southern Confederacy. Ably assists in forming the new government. Sent as commissioner to negotiate an alliance with Virginia. Delivers his startling "corner-stone" speech at Savannah.

1862—Dissatisfied with the policies of the Confederate government. Deplores the *habeas corpus* acts of both the Lincoln and Davis governments and opposes conscription at the South. Out of harmony with Jefferson Davis.

1863—He seeks in vain (July 2–6) to arrange for an exchange of prisoners, the United States government refusing to receive him and the proposition being rejected.

1864—He criticises Davis and the policies of the Confederate government before the Georgia legislature, March 16. Responsible for the "Peace Resolutions" of that body.

1865—Speaks in the Confederate Senate and urges a change of policy. Is spokesman for the Confederate Commissioners at the Hampton Roads Conference. Arrested, May 11, and taken as a political prisoner to Fort Warren. Released on parole, October 12.

1866—Elected to United States Senate, but is not allowed to take his seat. Speaks before the Georgia legislature, February 22, counseling submission, courage and hope, and urging just treatment of the liberated slaves. Manly testimony, on April 16, before the Reconstruction Committee of Congress.

1867—Begins to write his *Constitutional View of the War*.

1868—In an interview in the New York *Herald* he deplores the disappearance of "the last vestiges of Constitutional freedom," referring to the disfranchisement of a majority of Southern white men and the bestowal of universal manhood suffrage on the negroes.

1871—Becomes editor of the *Southern Sun* and continues his labors as a historian.

1873—Returns to Congress, and during his second career there renders patriotic service as a peacemaker.

1882—Retires from Congress and is elected Governor of Georgia at the age of seventy.

1883—Dies on March 4 in the governor's mansion at Atlanta and is buried at his old home, "Liberty Hall," Crawfordville.

ALEXANDER H. STEPHENS

CHAPTER I

BOYHOOD AND COLLEGE LIFE

THE life of Alexander H. Stephens may be said to have covered the period of disunion agitation in the United States. It is true that his birth, on February 11, 1812, occurred fourteen years after the Virginia and Kentucky nullification resolutions of 1798, and about eight years after the New England movement of 1803–4, toward the formation of a separate Northern confederacy, which was also to include New York and perhaps New Jersey. But he was nearly three years old when the Hartford Convention of December, 1814, revealed a continuing disunion sentiment in New England; he was a boy in his teens when the State of Georgia successfully defied the decree of the feeble Federal government as to the disposal of the Creek Indians; he was a youth of twenty when, in 1832, South Carolina nullified the acts of Congress and did not yield until the great peacemaker, Clay, had secured a satisfying reduction of the offending tariff; he was thirty-two years old when, in 1844, the legislature of Massachusetts resisted the annexation of Texas to the extent of resolutions threatening that such an event would "drive these States [of New England] into a dissolution of the Union"; he had come to middle life

when, in 1850–51, the determination of Southern Democrats to exercise the right of secession was with great difficulty voted down by Southern Whig unionism; and he had reached the age of forty-nine years when, in 1860–61, eleven Southern States brought an issue as old as the Constitution to its supreme and final test by repealing the ordinances whereby they had made themselves members of the Union of States and by proclaiming themselves once more separate and sovereign republics.

It is one of the interesting facts of history that, although disapproving of this action on the part of the eleven States as unwise and avoidable, Alexander H. Stephens consistently held to the State sovereignty idea, including the right of secession, throughout his life, and, among all the Confederates, was its ablest defender.

When a delicate male child was born to Andrew B. and Margaret Stephens on a Georgia farm in 1812, no local prophet could have found the slightest basis for the prediction that he would become a great lawyer; that he would serve with distinction in the forum of the nation for many years; that he would be chosen Vice-President of the Southern Confederacy; and that, after the tragic collapse of the secession movement, in spite of lifelong physical frailty, he would survive the nightmare of reconstruction, retain his hold on the confidence of his people, and die in the governor's mansion of his native State. For, although he came of good stock, nobody in his family before him had achieved distinction. Like most of the leaders of men in this country's earlier period, he was what might be called an accident, rising to power and fame from

humble surroundings, and illustrating afresh the truth that the fire of genius, raining down from the stars, may light a flame where least expected.

Alexander Stephens, grandfather of the subject of this biography, emigrated from England to Pennsylvania at an unknown date, married Miss Baskins, the daughter of the owner of a ferry at the junction of the Juniata and Susquehanna Rivers, and, after serving in the war for American independence, removed to Georgia, where he lived as a small farmer on rented land in Wilkes County until the day of his death. His youngest son, Andrew B. Stephens, spent his life in the same neighborhood, farming on a limited scale and teaching a country school. The children of Andrew B. Stephens by his first wife, Margaret Grier, were Mary, Aaron Grier, and the afterward famous Alexander. His second wife, Matilda Lindsay, bore him one daughter and four sons—Linton, the youngest of the latter, who rose to the position of Judge of the Supreme Court of Georgia, being throughout life the object of a remarkably strong affection on the part of his half-brother, Alexander.

Poverty and toil were the chief distinguishing features of Stephens's childhood. His almost incessant labors were too often beyond the strength of a delicate boy, and it is probable that if he had been more tenderly cared for in early youth he would have built up a stronger physical constitution. In after years he wrote of this drudgery as a matter of course, relating that from his sixth to his fifteenth year he had little time either for attending school or for the sports of boyhood. His father was an "old-field" schoolmaster, but it appears that only during

brief periods, amounting to about two years out of the nine, could Alexander be spared from the household and the farm. His duties included taking care of his stepmother's children, picking up chips, bringing water, keeping off the calves during the morning and evening milking, driving the cows to and from pasture, "minding gaps" when hauling was done, running errands, "dropping corn," "handing" the threads for all the cloth that was put on the loom, digging in the vegetable garden, and every other variety of work that on the plantations in those days was usually assigned to the younger negroes. At ten he was so quick and skilful in "dropping corn" that he could perform this task "as fast as any ploughman could 'lay off.'" [1] It is painful to think of a future statesman, ever an invalid, hauling manure and ploughing as a fragile boy of eleven. We are told that at the age of twelve he was "one of the regular ploughers during the whole crop," and that about this time or earlier he "frequently dropped ten acres of corn a day in hills spaced four feet by four."

It is the habit of small minds to seek to disown a past of poverty and toil and to cultivate the point of view of the prosperous snob. The uses of adversity are not always sweet, the experience too often leaving a galled and hardened spirit in lieu of the possible residuum of good which finds expression, in part, in a developed human sympathy. In the case of Alexander H. Stephens, excepting the probable injury to his physical constitution, it may be said that his hard early life was beneficial in its effects. With no disposition to boast of his humble beginning, he referred to it

[1] Johnston and Browne, *Life of Stephens*, p. 31.

without shame and with a philosopher's calm, clearly recognizing its uses in the development of his character. Its results appear in his habits of industry, his tenacity of purpose, and in his sympathy for the poor, the weak, and the unfortunate, which was of such generous proportions as at times to become a fault.

Of his father, who overworked him and neglected his education, he wrote in after years with respect and admiration, describing him in a letter, dated November, 1863, as "somewhat peculiar, considering the customs" of his time. He "abhorred ardent spirits," "detested indecent jesting," and no one "dared" to indulge in either in his presence. "He never made or received visits on Sunday. When he did not go to church, he made his children stay at home, and read the Bible. If any of his neighbors called to see him on Sunday, he would soon give the conversation such a turn as would make a reference to books opportune, by way of illustration or confirmation of his views. He would then take down a volume of sermons and read from them some passages bearing on the point. This usually resulted in the departure of the unseasonable visitor." After this one learns with some surprise that the "exceedingly exemplary, moral and upright" Andrew B. Stephens was not a member of any church.

Apparently his son did not attend his school long enough at any one time to acquire a distaste for his methods. These are all praised. "He never scolded; never reprimanded a scholar in a loud voice; never thumped the head, pulled the ears, or used a ferule." Possibly this partly explains why he, so far as his son knew, was "the only old-field teacher in those days on whom the boys never played the prank of 'turning out.'"

One of his schoolroom exercises, which "the scholars called 'learning manners,'" evidently made a deep impression on little Alexander, and was no less admirable than quaint. It is related that, "about once a month, on a Friday evening [afternoon], after the spelling classes had got through their tasks," the boys and girls were directed to take seats in rows facing each other. Then the boy at the head of his row would rise and walk toward the centre of the room and the girl at the head of her row would do likewise. "As they approached, the boy would bow and the girl drop a courtesy—the established female salutation of those days—and they would pass on. At other times they were taught to stop and exchange verbal salutations, and the usual formulas of polite inquiry, after which they retired and were followed by the next pair. These exercises were varied by meetings in an imaginary parlor,—the entrance, introduction, and reception of visitors, with practice in 'commonplace chat' suited to the occasion. Then came the ceremony of introductions. The parties in this case would walk from opposite sides of the room in pairs, and upon meeting, after salutations of the two agreed upon, would commence making known to each other the friends accompanying them, the boy saying, 'Allow me, Miss Mary, to present to you my friend, Mr. Smith. Mr. Smith, Miss Jones.' After Miss Mary had spoken to Mr. Smith, she would in turn introduce her friends. These exercises, trivial as the description may seem," the Vice-President of the Confederacy pointedly concludes, "were of great use to raw country boys and girls, removing their awkwardness and consequent shyness, and the painful sense of being

at a disadvantage, or the dread of appearing ridiculous."

His father was not the boy's only instructor in those early days. He refers in his letters to another whose school he attended a few months, and whose fondness for the flowing bowl, to employ a curious euphemism of the neighborhood, too often led to his becoming "disguised." This interesting specimen, in the presence of little Alexander, was once thrown to the floor and sat upon by the older boys until he agreed to dismiss school and send for a gallon of whiskey with which to "treat" his triumphant conquerors, who doubtless craftily took advantage of an hour when he was none too steady on his legs. "Most of the big boys," we read, "stayed until the spirits came and enjoyed the old man's treat heartily with him. Finally they broke up in great good humor. The master, they said, did get a little *disguised*, and took home with him the jug and what was left in it after the carousal." We gather that rough handling of a teacher occasionally was not uncommon and was not condemned by the parents. As a rule, the sternest discipline was desired and prevailed in the "old-field" schools, but at the approach of holiday seasons, public sentiment permitted the boys to "turn out" their hard taskmaster if they could, and even duck him in the pond.

What the "turning out" prank really was is not made quite clear in the letters, but a vivid description of it as witnessed in the adjoining county of Columbia in the first decade of the nineteenth century may be found in *Georgia Scenes*. This book, written by Judge Longstreet about the year 1830, has a certain historical value, its pictures of rural American life almost a hun-

dred years ago being regarded by a former generation as photographic in their accuracy. The author tells of the incidental events at county courts, of horse swappings, races, and wild fox hunts; of dances that began at nine o'clock in the morning and furnished remarkable exhibitions of the "double-shuffle," the "double cross hop," and the "good old republican six reel"; of turbulent debating society meetings, where native eloquence was sometimes enforced by the *argumentum baculinum;* of "gander pullings," whereat the rivaling efforts of galloping horsemen to carry away the head of a live, high-hanging goose with a greased neck afforded highly satisfying entertainment; of "fist-and-skull" fights, in a ring under the eyes of admiring friends, between two of the "best men," or those who could knock out anybody in the countryside—a rude native sport from which the modern prize-fight may be recognized as a lineal offspring; and of the "turn-out," or forcible ejection of the schoolmaster from the temple of learning by his own pupils. The temple, in this instance, was a log cabin in which "a large three-inch plank, wrought from the half of a tree's trunk entirely with the axe," served the whole school as a writing desk, a long smooth log being employed as a bench. The teacher was sitting on this "desk," with his feet on the bench, when suddenly two of the larger boys "seized each a leg and marched off with it in quick time." The immediate result was that the luckless pedagogue's head "first took the desk, then the seat, and finally the ground (for the house was not floored), with three sonorous thumps of most doleful portent." In a twinkling he was "completely buried with boys," but managed to draw up

his right leg and kick violently, thus "laying out about six boys in various directions upon the floor." These loudly complained of their hurts until an onlooker exclaimed: "Hut! Young Washingtons mind these trifles! At him again!" We are assured that the mention of Washington promptly cured their wounds and they returned roaring to the battle. "The left leg treated six more boys as unceremoniously as the right," but "the talismanic name had fallen upon their ears before the kick, so they were invulnerable." The struggle waxed fiercer still, and the youthful contestants were knocked about in all directions, some of them receiving "thumps which would have placed the ruffle-shirted little darlings of the present day [about 1830] under the discipline of paregoric and opodeldoc for a week, but these hardy sons of the forest seemed not to feel them." Finally the exhausted schoolmaster surrendered and offered a day's holiday. The boys demanded a week, but in the end agreed to accept three days as the reward of victory. Set free, the teacher "rose in a good humor" and all quitted the backwoods temple of learning in high spirits.[1]

Life was rude in rural Georgia in the first decades of the last century. It was pretty rude even at a later period and nearer the populous centres of the more thickly-settled States, if we can judge from what De Tocqueville, Harriet Martineau, Mrs. Trollope, and other critical observers have recorded.

Poor Georgia boys of a former generation must often have been reminded in Sunday-school that Alexander H. Stephens's knowledge of the Bible caused him to be

[1] *Georgia Scenes*, "The Turn-Out," p. 73.

sent to college. In the summer of 1824, when he was twelve years old, his father took him to the Sunday-school at Powder Creek meeting-house. Previously he had studied only the spelling-book and read a little in the New Testament. He was now put into a class that began with Genesis, and soon became deeply interested in the narrative, devoting himself to it Sunday mornings and evenings and at night during the week, reading by the light of a wood-fire long after the other members of the household were asleep. He did not stop with the lessons assigned, but advanced far ahead of his class, going through Exodus and the other Mosaic books, and finally reading the whole of the Old Testament before the class with which he started had finished the first book. In his account of this work, he states that its result was no decided religious impress, so far as he was aware, but it gave him "a taste for reading, for history, for chronology," and it brought him reputation which afterward bore fruit.

In 1826, when he was fourteen years old, his father and stepmother died within one week of each other and the helpless orphans were separated. The children of the second marriage found homes with their mother's relations, while Alexander and his brother Aaron were taken to the house of their uncle in the adjoining county of Warren. Here the former was kept at school irregularly during two brief summer terms and wrestled manfully with the problems in "the old Federal Calculator." Being now nearly sixteen, he was expected to seek permanent employment, and he was disposed to become a merchant's clerk ; but his fame as a Bible student in the local Sunday-school where,

young as he was, he often taught a class, brought him to the threshold of a wider career. The superintendent offered to send him to the "academy" at Washington in Wilkes County. After consultation with his uncle, he accepted, and soon began enthusiastic work on the Latin grammar and the *Historiæ Sacræ*. He boarded with Reverend Alexander Hamilton Webster, one of the instructors, and became so strongly attached to this kindly man, that he adopted the latter's middle name and ever after signed himself as Alexander Hamilton Stephens.

The boy student did not know that he was being closely observed by a number of persons,—ministers, Sunday-school superintendents and pious ladies connected with the Georgia Educational Society, the object of which organization was to afford means of education to studious and serious-minded boys suited for the ministerial career. A formal proposition was duly made to Alexander, and after a year at the Washington school, where he advanced rapidly in Latin and Greek, he was sent to Franklin College at Athens, later the State university, and entered the freshman class. He, however, expressed doubts as to his fitness for the profession proposed, and was assured that he would be left entirely free in his choice at the proper time. Deciding later that he could not meet the wishes of the society in this matter, he assumed the debt and within a reasonable time refunded all the money that had been expended on his education.

His college career, to which he looked back as the happiest period of his life, began auspiciously and with "a rare piece of good luck." The incident he thus described was connected with his entry examination.

In preparation, he had reviewed *Cæsar* and *Virgil*, but Dr. Waddell saw fit to employ *Cicero* as a test of the entering students' knowledge of Latin, and began with the first oration, of which Alexander had never read a line, having studied only the four orations against Catiline. Almost in despair, he borrowed a *Cicero* from one of the boys and hurriedly struggled with the contents of the opening pages, realizing at once that if called on, he would not be able to do himself credit. While thus anxiously engaged, the examination progressed; the second oration was read, and then the third. He saw reason to hope that before his turn came, the large class would have reached more familiar ground, and so it was. When finally called on, it fell to his lot to read the only part of the fourth oration against Catiline with which he happened to be well acquainted —"where Cicero refers to the two opinions as to what should be done with the conspirators; that of Cato, who thought they should be executed; and that of Cæsar, who opposed this sentence, contending that the gods alone should take life." The young student had been deeply interested in these views, because it was the first time he had heard the right of capital punishment called in question. Reassured and self-possessed in a moment, he now read every word in the paragraph correctly and answered satisfactorily all queries relating to grammatical construction, thus riveting every one's attention. Later he was similarly fortunate in being called on to read a portion of the Greek New Testament with which he was familiar, and the impression made on the venerable educator, Dr. Waddell, was an unusually favorable one.

During the four years that followed Alexander

constantly won the praises of the professors, and he graduated at the head of his class. He was evidently popular also among the students. He states in his account of his college life that he never had a quarrel, which is remarkable, considering that he was slight and girlish in appearance (weighing only seventy pounds), and must have been known as a "good" boy—a reputation apt to result in persecution. Apparently he was in many respects the sort of boy who is ever in danger of having his life made miserable at a boarding school, yet he declared that his college days were "unclouded, prosperous and happy." Doubtless his strength of character saved him. What he lacked physically, was offset by his courage and superior mentality. Later incidents abundantly testify to his physical courage. He evidently attracted all classes of students. "My intimates and associates," he wrote in after years, "were a strange compound. Boys met there [in his room] who never met nor recognized each other elsewhere; the most dissipated young men in college would come to my room and there meet the most ascetically pious. I was always liberal in my boyish entertainments. I 'treated' as much as any other boy in college, and yet my average annual expenses were only two hundred and five dollars. My entertainments were of an inexpensive kind, but were relished by all. Tobacco was not on my list." Georgia college boys of 1828–32 gathered in the room of the future statesman and seem to have really had a good time without the aid of tobacco, liquor, or cards —all of which he then outlawed, although in after years he smoked and drank in moderation, and became a devotee of whist, often declaring that an

intimate acquaintance with that game was as necessary to a lawyer as a knowledge of Blackstone.

A few years later, young Stephens, then a rising lawyer and promising member of the State legislature, was paying the expenses of his half-brother Linton at the same college, and almost daily writing him long letters which may properly be regarded as no inconsiderable part of the latter's education. He not only pointed out the grammatical lapses in Linton's replies, discoursed upon the various branches of college study, sought to inspire enthusiasm for the classics, marveled at "the glory that was Greece and the grandeur that was Rome," but discussed all manner of topics, including religion, history, politics and literature. These letters[1] are sophomoric and long-winded, but highly intelligent and beautiful in spirit. He sends his brother five times the amount of pocket money the latter had asked to borrow; urges him to "pin down all interesting thoughts" and not to be too choice for fear of writing none; moralizes on death which is "but to take a journey"; entreats Linton to be always studious, to loathe everything dishonorable, to be ever dispassionate and wise, assuring him that never will he be "in more need of cool thought, sober reflection and good judgment than at present"; instructs him in the early history of American political parties; is reluctant to approve his critical objection to the "cold conversational manner" in which the praying minister had said, "Lord, we can hardly generalize our sins, much less specify them"; and betrays the spirit of a maiden aunt in his excited comment on the recent "utterly disgraceful" conduct

[1] Found in Waddell's *Life of Linton Stephens.*

of some of Linton's associates, who, it appears, "got drunk and threw 'rocks' at the venerable preceptor" on the campus at Athens.

Boys in and just out of college in those days seem to have been more serious than the college "men" of the present, and not merely on the religious side. Their records show an interest in the products of the classic age that would now appear to be out of the question. How many university students would now write glowingly to another, as did Alexander H. Stephens, of the deeds of Cæsar, Epaminondas and Xenophon, and of the philosophies of Plato, Socrates and Aristotle?

CHAPTER II

LAWYER AND LEGISLATOR

After leaving college, young Stephens taught one country school for four months, and another for a year at a salary of $500, but soon wearied of the "monotony of the repetition," and was sadly discontented. A further difficulty was involved in the control of the older pupils by so fragile and boyish-looking a teacher, although courage to make a determined effort was not lacking. It is related that on one occasion he restored order by severely applying the rod to two "fully grown" boys, either of whom was physically capable of forcibly ejecting him from the room. Broken in health, he gave up teaching and, after three months of recreation, began in 1834 to read law, at Crawfordville, in the new county of Taliaferro, within two miles of his boyhood's home which formerly had been included in the county of Wilkes. Believing that he had neither time nor money to spare, he determined to try for admission to practice at the next term of the court three months later. He was frail of body but invincible of will, and he drove himself like a draught-horse, reading law night and day. At this period and for years afterward, strangers, supposing him to be a boy, addressed him as "sonny" or "buddy," his slight form, white brow, bloodless cheeks and anxious eye giving him the appearance of a youth of sixteen prematurely aged by disease. The ambition of so young a man to become a lawyer was the subject of

jest among those unacquainted with his powers of mind and of will.

He accomplished his object within the brief period named, for in his diary under date of July 22, 1834, it is stated that he "was this day admitted an attorney-at-law and released from a great burden of anxiety." Although reading law with feverish energy during those three and a half months, his diary and letters show that other mental labor was accomplished, including a discussion of President Jackson's policies and a carefully prepared written speech delivered on the Fourth of July, in which he denied South Carolina's right to nullify and remain in the Union, but vigorously asserted the right of a State to secede if the "compact of union" should be violated. He thought a separation of the States need not be feared, but contended that "whenever the general government adopts the principle that it is the supreme power of the land, that the States are subordinate—mere provinces—that it can compel and enforce, and commence to dispense its favors with a partial hand, to tax and oppress a few States to the interest and aggrandizement of the many, or otherwise transcend its powers,—then will the days of our republic be numbered. For it is false philosophy to suppose that these States can be kept together by force. . . . But let it be the established policy of the government that it has no power over a State withdrawing from the Union when in her deliberate judgment the compact has been broken, and the others will soon cease, or rather never begin to oppress; for the Union should be an advantage to all but an injury to none." [1]

[1] Johnston and Browne, p. 88.

In these reflections of a young Georgian of twenty-two years, we hear the echoes of the convulsion through which the country had so recently passed, and in which the growing bitterness of the strife over slavery was no little concerned, although the tariff was the burning issue. The utterance of Stephens but mildly suggests the temper of the time and of his section. South Carolina, whose ordinance of nullification brought the crisis, did not stand alone; did not alone complain that the protective system was ruining her commerce, depressing her agriculture and making bankrupts of her citizens, while the manufacturing States of the North reaped the benefits. The other Southern States, all agricultural, saw the matter in the same light, and a practically united South awaited the outcome.[1] True, there were unswerving unionists who reminded their excited neighbors that they had not been sparing in their censures when New England threatened resistance to the Embargo. "There was not a man among us," reads a speech of David Williams, "who did not pronounce the Hartford Convention a traitorous association." But the clash of interests in connection with the tariff, and the clash of sentiment in regard to slavery, filled men with bodeful thoughts of the future. The observant visiting foreigner, De Tocqueville, prophesied an inevitable and necessary separation of North and South.[2] Fortunately Clay, the

[1] A "Remonstrance" of the Georgia legislature, December 19, 1828, addressed to the manufacturing States of the North, which "sordidly pursue their own interests" at the expense of the agricultural section south of them, threatens the "effectual remedy" of nullification if the "unconstitutional measures are persevered in."

[2] De Tocqueville's *Democracy in America*, Gilman edition, pp. 496–511.

peacemaker, offered, and Calhoun accepted the proposition gradually to scale down all duties each two years, so that in 1841 the bottom limit should be reached at a twenty per cent. basis. But for this compromise, all the indications point to a war or a peaceable dissolution of the Union in 1832-3.

As a young lawyer, Stephens appears to have been but little happier than as a school-teacher. Constitutionally delicate, he was now worn by his excessive labors of preparation for admission to the bar. "My weight is ninety-four pounds," he records in his diary, "my height sixty-seven inches, my waist twenty inches in circumference, and my whole appearance that of a youth of seventeen." Then and throughout life he was practically a brain without a body, the physical promptings so manifest in the average man seeming in a sense to have been benumbed. It is recorded that Stephens once or twice was tenderly interested for a temporary period in attractive members of the opposite sex, and that he once stated that he did not marry because he feared to become a helpless invalid. He had abundant cause for such fear, but the full story of his life suggests the probability that an equally powerful reason was that his nature—the product of an overdeveloped brain in a frail and sickly body—did not often cry out for and imperiously demand any other than platonic love.

To this may perhaps in part be traced the incurable melancholy which evidently afflicted him throughout life. Long after the period of youthful affectations and deceptive ardors had passed, he wrote to his half-brother, Linton, always his closest intimate: "Life to me is desolate. For what object

should I wish to live? Weak and sickly, I was sent into the world with a constitution barely able to sustain the vital functions. Health I have never known and do not expect to know." In 1857, at the mature age of forty-five, he wrote: "Few that see me and associate with me daily have a conception of what torture and misery I endure. No mortal has ever had more reason to despair—to curse his fate and die—than I have had." He appears to have said more than this in a letter to his half-brother in 1858. "You may be right," replied Linton Stephens, "in your opinion that you have succeeded in keeping to yourself the secret of a misery that has preyed upon you, and yet preys upon you. . . . Your letter produced strange feelings in me. I can't define them very well, but they are not pleasant feelings. I have burned the letter. It has been rather a rare thing with me to burn one of your letters. I have piles of them on hand; one in a similar strain with the last, but none like it or approaching it in its energy, its despair, and yet its unwavering resolution to bear on and despair on. You must allude to something I don't understand. I don't feel anything that might be called curiosity about it, but I do feel a deep interest in it. I had thought that no human heart had ever felt a woe or an agony without yearning to tell it to some sympathizing ear." [1] Whether the full confidence thus invited was ever given, the records do not show.

The unexplained miseries of Dean Swift are suggested. Certainly Stephens's diary and his letters would indicate that his soul was not less tortured. Physical weakness and pain, apparently, were but the half of his bitter

[1] Johnston and Browne, pp. 340, 341.

cup. The more wonderful are the achievements of one thus preyed upon in body and harrowed in mind. By the power of an invincible will he rose above his misery, found distraction in incessant labor, in the duties of life, the companionship of friends, in the rewards of honorable ambition, and in helping others to reach the happiness which—as it would appear—he could not secure for himself. His works of charity and philanthropy were constant and countless. He was lavish of hospitality and gave to all who asked, even the undeserving. His pity and sympathy for the unfortunate were such as only a tried and travailing spirit could feel. He provided a college education for more than fifty young men and women. During his life he made much money—out of his law practice, and $75,000 from his historical writings alone—but he spent it all, chiefly for the benefit of others, and when he died his body servant was reported to be richer than he.

During his first year as a struggling young lawyer, Stephens "lived on six dollars a month, made his own fires, and blacked his own boots." [1] His fees for the year amounted to four hundred dollars, but were not promptly and perhaps never entirely paid. His first appearance as a member of the bar on the circuit was made at Washington in Wilkes County. Being without the means to take the journey thither in a desirable manner, he walked ten miles in the cool of a July night, carrying saddle-bags with a change of clothing. Arriving at his uncle's farm, he stopped there till dawn, borrowed a horse and rode the remaining ten miles. When he neared Washington, he dismounted, donned fresh clothes, a suit of white cotton, and so was enabled

[1] Cleveland's *Letters and Speeches of Stephens*, p. 44.

to present a fairly creditable appearance in the court room.

One would expect so poor a young lawyer to have an eye single to the patronage of the wealthy, but from the outset he showed an eagerness to defend the destitute and helpless, who could pay him little or nothing at all. Writing to Linton Stephens, June 2, 1842, he says: "I was absent yesterday and the day before at Warrenton attending the trial of a negro, charged with the offense of assault and battery, with intent to murder, on a white man. I defended him and he was acquitted." [1] It is stated that on several occasions "where parties were likely to become victims of popular prejudice," he volunteered his services and saved the accused. A slave woman in his own county was about to be convicted of an attempt to murder by poisoning, the evidence being very strong, though all circumstantial. Becoming convinced of her innocence, Stephens volunteered in her defense, and, after listening to his argument, the jury promptly rendered a verdict of acquittal.[2] The authority just referred to, who wrote in 1866, declares that those who heard it will never forget a speech made by Stephens in Green County in behalf of a woman, "poor, desolate and unable to employ counsel." The offense is not mentioned, but the judge is quoted as saying after her acquittal: "This was the only case tried before me whilst on the bench of the Supreme Court in which my admonitions were unheeded." Stephens's power over a jury was not merely a matter of eloquence, but was probably in part the result of the fact that early in his

[1] Waddell's *Life of Linton Stephens*, p. 37.
[2] Cleveland's *Letters and Speeches*, p. 235.

career he became the idol of the common people. Robert Toombs was wont to say, according to report, that Stephens had an advantage over all the lawyers in Georgia in the fact that the jury would overlook sworn testimony in order to give him his verdict. It was said by some observers that Toombs "commanded" while Stephens always "persuaded" the twelve men whose votes were to decide the issue.

"This day," he wrote in his diary, September 10, 1834, "I was employed by Mr. Hilsman with the conditional fee of twenty dollars." This was one of Stephens's first cases, and it made his reputation, locally, while he was still less than twenty-three years of age. The case referred to the proper custody of a child whose grandfather had virtually kidnapped it, on the ground that its widowed mother had now married a man of intemperate habits and that it was thus in unsafe hands. Stephens defended the mother's rights with a "passionate eloquence which none of those present could withstand."[1] After judgment was duly pronounced in her favor, a cousin of the defeated grandfather was reported as saying: "When that little fellow began to argue that even among the beasts of the forest the mother was, by the great law of nature, the keeper of her offspring and would fight even to death for their custody, and everybody [in the court-room] fell to crying, I knew that Isaac would have to give up Martha Ann."

Stephens's entry in his diary, July 24, 1834, stating that on that day he had been engaged for the first time in his profession, is followed by a fervent prayer that "a superintendent Providence may look propitiously"

[1] Johnston and Browne, p. 97.

upon him at the beginning of his career. The poverty-ridden yet devout young man prayed "that He may, though unseen, direct me in the right path in all things, and in all my intercourse with mankind; that He may inspire me with a sound mind and quick apprehension, and that He may so overrule all my acts and all my thoughts and my whole course, that a useful success may attend all my efforts; that I may not be a useless blank in creation and an injury to men; but that I may be of benefit yet to my fellow beings." Surely this prayer was in part answered within the year. Alexander H. Stephens, stay of the weak and helpless and friend of all the world, was once asked, late in life, what he considered the highest compliment he had ever received, and gravely replied by telling how a white-haired old negro at Crawfordville, being asked by a visitor if he knew the master of "Liberty Hall," said: "Yas suh, I knows Mars' Aleck—I knows him mighty well; he's kinder to dawgs 'n other mens is to people."

A former law student under Stephens, Mr. Z. I. Fitzpatrick, of Godfrey, Ga., from whom the foregoing anecdote was received, has also furnished the following story, giving as his authority reputable witnesses of the events recounted: Early in the fifties a Georgia college boy named Willet killed a classmate named James with a pocket knife. The provocation is not mentioned, but the fact that James belonged to a rich and powerful family and Willet was poor and friendless, taken in connection with the part played by Stephens at the trial, indicates pretty clearly that the tragedy resulted from the contemptuous treatment of alleged "poor white trash" by an overbear-

ing young aristocrat. The wealthy father and uncles of James "vowed to have Willet hung" and employed the most powerful lawyers of the State, including T. R. R. Cobb, Judge Cone and the famed Robert Toombs. Stephens was sought also, but he refused to be engaged for the prosecution. The Willets, who had no money to pay lawyers, great or small, then timidly asked him to defend their boy, and he promised to do so. "When Cone spoke," our informant writes, "all said: 'It is very bad for Willet.' When Cobb spoke, all said: 'Willet will be hung.' And when the awful lion, Toombs, roared and thundered against poor Willet, all said: 'We see the rope around his neck!'" Stephens spoke four hours "and had jurors, witnesses and spectators now shouting with joy and now weeping with pity and sympathy." He pointed to the powerful James family, their wealth and influence, their great lawyers and great lawyers' fees, on the one hand; and on the other to the poor Willets, helpless, unable to employ counsel in defense of their son who in his hot, reckless youth had struck out madly against individual persecution and class wrong. The orator told the Bible story of the slayer fleeing to the City of Refuge with blood-hunting avengers howling at his heels, and "then, with a burst of eloquence said: 'Gentlemen of the jury, you are poor Willet's City of Refuge. Here he comes in his poverty and helplessness, running, fleeing for his very life, pursued by relentless enemies in the form of wealthy prosecutors and powerful lawyers. We ask you to receive him and protect him.'" The jury went out, wiping their eyes, and returned in ten minutes with a verdict of not guilty.

By this time Stephens's powers had been displayed in a wider field, and even those who had heard the greatest orators of the time, including Clay, Calhoun and Webster, rendered him their tribute. On February 2, 1848, when Lincoln and Stephens were in Congress together, both representing the Whig party, and were aged thirty-nine and thirty-six years respectively, the former wrote to his law partner in Springfield, Ill. : "I take up my pen to tell you that Mr. Stephens, of Georgia, a little, slim, pale-faced consumptive man, with a voice like Logan's has just concluded the very best speech of an hour's length I ever heard. My old, withered, dry eyes are full of tears yet." [1]

Among the reasons for Stephens's immediate and great success at the bar, according to one authority, [2] writing in 1866, was the fixed rule he adopted of never taking a case until it was thoroughly examined and he was satisfied that the suitor applying for redress was entitled to it under the law. In the matter of capital offenses, his usual course was not to appear against the accused, and in no case did he ever consent to do so unless fully convinced not only of guilt but of the absence of any extenuating circumstances.

It was inevitable in those days that every young lawyer of marked ability should seek or be induced to accept political office. Stephens was no exception. In 1836 he was nominated for the lower branch of the General Assembly of Georgia on a State rights ticket. He was violently opposed because of his criticism of

[1] Nicolay's *Short Life of Abraham Lincoln*, p. 77.
[2] Cleveland's *Letters and Speeches*, p. 234.

the doctrine of nullification, which was almost universally approved in Taliaferro County, and because of his vigorous objection to the formation of a vigilance committee to punish persons found circulating incendiary documents among the slaves with a view of stirring them up to discontent and revolt.[1]

As to nullification, he explained that a State had every right to withdraw from the Union if she believed the Federal compact had been violated, but had no right to remain in the Union and refuse to obey the Federal statutes. As regards the obnoxious agents of the Northern Abolitionists, he appealed to the people from the stump to take legal steps only against them; as the people valued liberty, let them uphold the supremacy of the law. He supported both positions so well and was so persuasive that he was elected by "a vote more than double that of his highest competitor." Though an invalid during the greater part of the session, he acquitted himself with much credit and was returned without opposition in 1837. So poor was his physical condition in the following year that he was compelled to resign all business and take a sea voyage to Boston, returning southward by way of New York City, Saratoga and Green Briar White Sulphur Springs. In spite of continuing ill health, he was sent back to the legislature in 1838, 1839, and 1840. In 1841 he declined a nomination, devoting himself entirely to his lucrative law practice until he was elected to the State Senate in 1842. During his long absence on the Northern trip referred to, his business was looked after by Robert Toombs, of Washington, Ga.

[1] Cleveland's *Letters and Speeches*, p. 50.

The friendship of the invalid and the robust, "leonine" fellow lawyer was from the outset remarkable for fidelity and generosity on both sides. Stephens even refused to become a candidate for the United States Senate in opposition to his friend and neighbor Toombs. In 1851 when the two men were struggling shoulder to shoulder to stem the tide of disunion in Georgia, Toombs publicly declared that Stephens "carried more brains and more soul for the least flesh than any man God Almighty ever made." It has been suggested, and seems not unlikely, that the intellect of Stephens dominated that of Toombs until the crisis of secession, when for the first time they parted company and pursued opposite policies.

As has been noted, Stephens began his public career in 1836 as candidate for the legislature on the State rights ticket, and this was his leading political principle throughout life. Although he acted with the Whigs for years, he was always nearer to the Democrats in this particular. He did not, however, join the latter until the disintegration of the Whig party, the intensity of the sectional struggle over slavery virtually forcing the great majority of Southern men into one organization. His early political tendencies are clearly shown in the comment of later years on the Presidential campaign of 1840. "I was opposed," he said, "to the administration of Van Buren and also to the support of Harrison. I wanted the State rights party of Georgia to stand by the nomination of George M. Troup [1] which I had considerably con-

[1] As governor of Georgia, 1823–27, Troup had vigorously asserted State sovereignty and defied John Quincy Adams's administration.

tributed in getting the men of that party in the legislature of 1839 to make. But in the summer of 1840 a convention of that party was held at Milledgeville, and withdrew the nomination of Troup and declared for Harrison. I was not in the convention. I acquiesced, though I thought it bad policy. There were but two candidates in the field, Harrison and Van Buren. I preferred Harrison as a choice of evils. Indeed, the greatest objection I had to Harrison's nomination was the political alliances it would bring about. Him I considered sound enough on all political and constitutional questions; but his supporters generally at the North were the old Centralists and Consolidationists, known in 1800 as Federalists."

Nevertheless, Stephens seems to have had no love for the representatives of the party of Thomas Jefferson. As late as 1855, in a letter from Washington, he speaks of the Democrats from the South as "generally a good-for-nothing set,"[1] and not until 1848 does he appear to have begun to appreciate Calhoun's powers at their true value. His attitude was not altogether unlike that of his Whig colleague, Toombs, who once remarked to Bishop Pierce that they were engaged in pretty much the same business—one was fighting the devil and the other the Democrats.[2] Stephens was independent enough to change parties when he thought it desirable, but during his earlier career he was a fairly good partisan. In a letter written in 1843 he speaks of meeting in Dade County some of the "cleverest people" in Georgia, "though they *are* Democrats." In like manner Miss Varina Howell, of Mississippi,

[1] Johnston and Browne, p. 291.
[2] Pleasant A. Stovall, *Life of Robert Toombs*, p. 10.

writing in 1844 of Jefferson Davis, whom she married within a year, is quoted: "Would you believe it, he is refined and cultivated, and yet he is a Democrat!" Those were the days when haughty Whigs of very tender years hurled at the equally contemptuous sons of Georgia Democrats this crushing charge:

"Whigs
Eat figs.
Democrats
Eat dead rats!"

And even adult Whigs were wont to describe the Democrats as the "wool hat boys," or, as it would now be expressed, "the unwashed." It does not appear, however, that in the South—except in certain localities—respectability and social position were unequally divided between the two parties.

Stephens was stumping Dade County as a candidate for Congress when he wrote the letter referred to above, in which he also said: "Last year our [Whig] ticket got but one vote in the county—this year I think I shall get at least forty." In this year, 1843, a vacancy had occurred in the Congressional representation, and to fill it James H. Starke was nominated by the Democrats and Alexander H. Stephens by the Whigs. The Democratic party was the stronger and Stephens found it necessary to overcome a majority of about three thousand, which he did after an exciting and exhausting campaign full of amusing features. The frail boyish-looking candidate rode or drove long distances in all weathers and delivered speech after speech, facing older and more experienced orators with a pluck for which there is scarcely a parallel.

After he had vanquished all his minor opponents, Judge Walter T. Colquitt, then regarded as the ablest stump speaker in the State, was pitted against him. Colquitt was discomfited in the midst of his attack by Stephens's production of records showing that the former had once held precisely the position for which he was now censuring the latter—that it was unnecessary for Georgia to pension her disabled veterans of the Indian wars inasmuch as the central government was itself performing this duty. It was related by Georgians of the past generation that in the beginning of this joint debate Judge Colquitt contemptuously referred to the undersize and insignificant appearance of a youthful upstart who dared to face his betters. "I could swallow him whole and never know the difference," he said. "Yes," quickly retorted Stephens, "and if you did there would be more brains in your belly than there ever will be in your head!"—getting the laugh on his antagonist and gaining an immediate advantage, for such lively, if questionable, passages at arms were highly relished by the sovereign voter of that period. Stephens's quickness of wit is not rendered any less marked by the fact that his favorite Scott had long before caused the dwarf in *Kenilworth* to make virtually the same retort to a gibing persecutor. He had probably read the novel several years previous to this time, as his early letters contain admiring references to Sir Walter's works.

The free and easy customs on the Georgia hustings in those days may be further illustrated by an anecdote related of one of Stephens's arduous campaigns after he became a Democrat. More than once he felt compelled to stimulate his feeble and exhausted frame with

whiskey while on the stump, drinking from a small bottle in the presence of his approving audience with the smiling remark: "This is pure Democracy—pure Jeffersonian Democracy." Once while speaking to serenaders from his front door after his election he said: "Gentlemen, I am charged with being a Bourbon. If you will come with me to my dining-room I will introduce you to the only Bourbon I know anything about." Needless to say, this was greeted with applause and laughter, followed by a rush for the dining-room.

Stephens took life and his own work very seriously on the whole, but he was not without a saving sense of humor which sometimes prompted him to tell stories at his own expense. In his letters of the war period he now and again noted with amusement the surprise and disappointment involuntarily expressed by persons on seeing the Vice-President of the Confederacy for the first time. After one of his speeches in the Congressional campaign of 1843, according to his own account, an old man bluntly remarked to him: "Well, if I had been put in this road to shoot a smart man, you would have passed safe, sure." Another old man, after a bystander had pointed Stephens out to him, lifted his hands in astonishment, exclaiming, "Good Lord!" A strange lady addressed him as "buddy" and urged him to go to hear the speech of that "smart man," Stephens. The landlady of a wayside inn, entering the public room where he rested exhausted in the one easy chair, while another man stood, said to him reprovingly: "My son, give the gentleman this seat." To be mistaken for a boy was almost a daily occurrence, but before the campaign

was over the "boy" of thirty-one was known as the best-informed man in the Georgia Whig party on the issues of the day, as well as on the history and theory of the government of his country, and he at once became one of that party's acknowledged leaders. The *Georgia Journal*, of October 24, 1843, rejoicing over the victory, acknowledges in behalf of the Whigs of the State a debt of gratitude to Stephens "for the arduous and able service he rendered to the cause, of which he is so noble an advocate."

CHAPTER III

STEPHENS IN CONGRESS

STEPHENS'S first speech in the House of Representatives was remarkable in that it was virtually an argument against the constitutionality of his own election. The Georgia legislature had refused to comply with the requirement of Congress that the State be divided into Congressional districts on the ground that such a requirement violated that clause in the Constitution which reserved to the States the right to decide upon "the times, places and manner of holding elections for senators and representatives." Stephens and the other representatives from Georgia were, therefore, elected not by the district system but on the "general ticket." He preferred the district system, thought the majority of Georgians did also, and wished to bring the question up. While emphatically expressing his opposition to any invasion by the Federal government of the rights of the States, he contended that Congress possessed the power under the Constitution of regulating such elections and that the repudiated law was a proper exercise of that power. The House voted, however, that the "general ticket" election was legal and the Georgia members were seated, as Stephens expected. But his object was attained when in the following year Georgia voluntarily changed to the district system, the Whigs being careful to see to it that the adjoining counties of Taliaferro and Wilkes were

incorporated in different districts, so that both Alexander Stephens and Robert Toombs could represent the State in Congress.

The great questions before the country at this period were "the tariff and Texas," as Stephens noted in a letter written in April, 1844, although there was scarcely a year between the Missouri Compromise of 1820 and the election of Lincoln in 1860 when the interminable and strife-breeding question of slavery dropped entirely out of sight. By the terms of Henry Clay's Compromise of 1833, which checked the probable armed resistance of nullifying South Carolina, all the duties in excess of twenty per cent., were through a gradual scaling down, to be abolished in ten years. But in 1842, the protectionists having gained strength, a bill was passed openly violating this agreement, and was vetoed by President Tyler. A second bill of a similar character was also vetoed, but a third, the Whig tariff of 1842, which was less objectionable, received the President's signature. The protectionists thus regained a part of their lost ground, but the tariff of 1846, looked at from our present viewpoint, was so moderate as to provide for approximately free trade conditions. Under this "free trade tariff," as James G. Blaine has described it, the country became very prosperous and there was no disposition to interfere with it even when the Democrats after 1852 came into almost undisputed control of the government. "The principle embraced in the tariff of 1846," notes Blaine,[1] "seemed for the time so entirely vindicated and approved that resistance to it ceased, not only among the people, but among the

[1] James G. Blaine's *Twenty Years of Congress*, p. 196.

protection economists and even among the manufacturers to a very large extent. So general was the acquiescence that in 1856 a protective tariff was not even suggested or reform hinted by any one of the three parties which presented Presidential candidates." Under the circumstances the South Carolinians must have looked back upon their nullification measure of 1832 with great satisfaction, inasmuch as that violent protest led to the changed conditions which they so much desired and which were now generally approved.

The annexation of Texas, although in itself a temporary issue compared with the tariff, was associated with the slavery question, and therefore caused a more profound disturbance. On the 13th of January, 1845, Milton Brown, a Whig representative from Tennessee, after consulting with Alexander H. Stephens[1] and forming a definite policy, introduced a series of joint resolutions in the House for the admission of Texas. Several propositions had been offered in the committee of the whole and rejected, but Stephens and seven other Whigs voted for the Brown proposal and it was carried. In a statement to his constituents on February 11, 1845, Stephens said that if he and the seven other Whigs had voted differently in the committee this latter would likewise have been rejected. "It was not until the party so largely in the majority found that they could do nothing with their favorite scheme that they consented, or rather were reluctantly forced, to take the Whig measure or none." This measure, satisfactory to and proposed by Southern Whigs, provided for the ad-

[1] Cleveland's *Letters and Speeches*, p. 71.

mission of Texas as a State without the assumption of her debt and with a settlement of the slavery question in accordance with the Missouri Compromise line. Not more than four new States were to be formed out of the great Texas domain at any future time, and in those to the south of 36° 30′ slavery was to be optional with the people, while in such as should lie north of that line it should be prohibited.

In the agreement of 1820 the pro-slavery South had compromised for the sake of peace and the anti-slavery North had therefore won a victory. The latter section, at least, would naturally be expected to uphold the agreement firmly, and at a later period many seemed to regard the Missouri Compromise as virtually a part of the Constitution and inviolable. Stephen A. Douglas, for example, said it had been "canonized in the hearts of the American people" and described it as "a sacred thing which no ruthless hand would ever be reckless enough to disturb."[1] But it is evident from the records that neither section showed a willingness to abide by it except when policy dictated that course. Thus we find that the plan for the annexation of Texas, offered by the Whig South and strictly in agreement with the "canonized" Missouri Compromise, aroused violent opposition in the anti-slavery section.

In Massachusetts the opposition took the form of a series of threatening resolutions passed by the legislature and approved by the governor. On March 16, 1843, the Democratic legislature of that State resolved "that under no circumstances whatever can the people of Massachusetts regard the proposition to admit Texas

[1] Nicolay and Hay, *Life of Lincoln*, Vol. I, p. 351.

into the Union in any other light than as dangerous to its continuance in peace, in prosperity, and in the enjoyment of those blessings which it is the object of a free government to secure." [1] Again on March 15, 1844, the legislature, then with a Whig majority, resolved:

. . . "That the project of the annexation of Texas, unless arrested on the threshold, may tend to drive these States [of New England] into a dissolution of the Union." [2]

The following is an extract from further resolutions, passed on February 22, 1845, which the governor of the State approved:

"*Resolved*, . . . And as the powers of legislation, granted in the Constitution of the United States to Congress, do not embrace a case of the admission of a foreign State or foreign territory, by legislation into the Union, such an act of admission would have no binding force whatever on the people of Massachusetts." [3]

In further resolutions of the same series it was declared that the people of Massachusetts were "determined to submit to undelegated powers in no body of men on earth," and would "*never consent to the use of the powers reserved to themselves* to admit Texas, or any other State or territory now without the Union, on any basis than the perfect equality of freemen"; also that "while slavery or slave representation forms any part of the claims or

[1] *Acts and Resolves of Massachusetts*, Ch. 20, p. 68.
[2] *Ibid.*, Ch. 87, pp. 319–320.
[3] *Ibid.*, Ch. 39, pp. 558–599.

conditions of admission, Texas, with their consent, can never be admitted." Even after the Federal government had deliberately acted and the argument was closed, there were further resolutions on March, 26, 1845, approved by the governor, which read in part as follows:

"*Resolved*, That Massachusetts hereby refuses to acknowledge the act of the government of the United States, authorizing the admission of Texas, as a legal act, in any way binding her from using her utmost exertions in coöperation with other States, by every lawful and constitutional measure [!], to annul its conditions and defeat its accomplishment." [1]

Massachusetts wisely concluded, however, that even to remain in a Federal republic containing a Texas largely surrendered to slavery was better than to incur the hazards of "a dissolution of the Union" and in 1848 gave her vote for President Zachary Taylor who was a slave-holder as well as a military hero.

Writing of these interesting resolutions in 1866, George Lunt,[2] who had formerly been United States District Attorney for Massachusetts, receiving appointment through Daniel Webster, remarks that "the idea of the dissolution of the Union," as a consequence of the annexation of Texas, "was contemplated by the legislative assembly of Massachusetts, and was held out by it as a menace to the general government to prevent the consummation of the project." He says further that "it affords perhaps one of the most emphatic examples possible of the assertion of State rights." The principle proclaimed was unquestionably

[1] *Acts and Resolves of Massachusetts*, Ch. 131, pp. 651–653.
[2] *The Origin of the Late War*, pp. 147–150.

the same as that on which the Southern States based their action in 1860–1, fifteen years later. "It is quite evident," admits Lunt, "that they [the Massachusetts resolutions referred to] enunciated the assertion of the right of nullification and secession; and that, if followed out to their legitimate results, they could have received their practical application only on the 'peaceably if we can, forcibly if we must' doctrine of a former representative of the State in Congress." [1]

Of the long struggle over the slavery question, it may be justly said that the North was morally right as to the general principle upheld, while the South was legally and constitutionally right—persuading itself, moreover, that it was morally right as well, and finding at last abundant cause for accusing the North of broken faith. The Abolitionists who openly repudiated the Constitution of their country and scorned compromise were more consistent and more honest than those Northern politicians who secretly aimed at the same results while still professing allegiance to a slavery-protecting Constitution.

In the earlier times the South itself—even more than the North of the same period, apparently—was troubled with misgivings as to the desirability and morality of the slavery institution. Hinton Rowan Helper, of North Carolina, Cassius M. Clay, of Kentucky, and Moncure D. Conway, of Virginia, were not the first Southern men who earnestly desired the abo-

[1] The reference is to Josiah Quincy's declaration in Congress in 1811 that the admission of Louisiana as a State would be tantamount to "a dissolution of the Union," freeing the States from their obligations; and that in such an event, "as it will be the right of all, so it will be the duty of some, definitely to prepare for separation, amicably if they can, violently if they must."

lition of slavery. There was strong protest from the outset, not only from individuals but from State authorities. Oglethorpe regarded slavery as "a horrid crime," and the institution was prohibited in Georgia from 1735 until 1749. In 1760 South Carolina passed an act prohibiting the further importation of negro slaves, but it was rejected by the British crown, the governor of the colony was reprimanded, and the governors of all the colonies were warned not to countenance such legislation. In 1770 the British king refused to take notice of the petition of the Virginia Assembly which earnestly objected to the importation of slaves as "a trade of great inhumanity and dangerous to the very existence of His Majesty's American dominions." In 1713 a question arose in the English Council as to what was the true legal character of the negroes which British slave traders were transporting to American shores with so much profit, and this question was submitted by the Crown Council to the twelve judges of England whose answer was: "We do humbly certify our opinion that negroes are merchandise." [1] It was useless for any American colony or individual to attempt to stop or check a trade that was not only immensely profitable but legal. After the independence of the colonies was achieved and the Union was formed, the choice was left with the Americans themselves, but now slave labor was depended on in the

[1] In his speech in the United States Senate on March 11, 1858, Judah P. Benjamin cited this interesting fact in order to show that negro slavery was the common law of the thirteen Colonies at the time they became independent and before the Constitution recognized the institution, and was not, therefore, the mere "creature of the statute law of the several States where it is established [in 1858]," as had been recklessly asserted.

South and New England ship owners were still making fortunes out of the traffic in negroes. As late as 1770 Rhode Island alone had 150 vessels in the trade.[1] "The evils of slavery," pointedly observed Governor Wilson, of South Carolina, in his message of December 1, 1824, "have been visited upon us by the cupidity of those who are now the champions of universal emancipation."[2] Even if general agreement had been possible the problem of the disposal of the vast number of liberated slaves would still have called for solution.

The outlook was not encouraging, yet abolition seems to have been desired by nearly all the leading Southern statesmen. Washington, although a slaveholder until his death, wrote to Robert Morris, in 1786, that "there is not a man living who wishes more sincerely than I do to see some plan adopted for the abolition of slavery." Henry Laurens said he "abhorred" the system. George Mason described it as "an infernal traffic" which had originated "in the avarice of British merchants." Patrick Henry said it was as "repugnant to humanity" as it was "inconsistent with the Bible and destructive of liberty," and he deplored its "fatal effects." Madison noted that "where slavery exists the Republican theory becomes still more fallacious."[3] Monroe declared that the "evil" of slavery had been "prejudicial to all the States in which it has existed." John Randolph, of Roanoke, in his will gave his slaves "their freedom to which my conscience tells me they are justly entitled."[4] Gov-

[1] John R. Spears, *The American Slave Trade*, p. 19.
[2] Niles's *Register*, XXVII, pp. 263, 264.
[3] *The Federalist*, No. 39.
[4] Hinton R. Helper, *The Impending Crisis*, p. 97.

ernor Thomas M. Randolph, Peyton Randolph and Edmund Randolph, all spoke against the institution. The Virginia Society for the Abolition of Slavery, organized in 1791, declared the system to be an "outrageous violation of one of the most essential rights of human nature and utterly repugnant to the precepts of the Gospel." In 1832 Governor McDowell, of Virginia, described slavery as "a curse as great upon him who inflicts it as upon him who suffers it." In the same year the Richmond *Enquirer* solemnly declared: "God only knows what is the part of wise men to do on this appalling subject. The disease is deep-seated; it is at the heart's core; it is consuming our vitals. What is to be done? O God! we do not know; but something must be done." This was during the profound agitation which resulted in a bill for the gradual emancipation of all the slaves in Virginia. The members of the legislature "tied" on this measure, and the chairman, though he favored it, cast his deciding vote against it solely on the ground that a bill of such great importance should not pass unless supported by a clear majority. Benjamin Lundy's *Genius of Universal Emancipation*, published in Baltimore at the time, is cited as authority for the statement that in 1827 there were one hundred and six anti-slavery societies in the Southern and twenty-four in the Northern States, and Birney's *Life of Birney* as authority for the statement that two thousand slaves were set free in North Carolina in 1824–6. But all the Southern anti-slavery societies had disappeared by 1839 as a result of the sectional alignment on the question, the aggressive activities of the Northern Abolitionists and such related events as the Nat Turner slave in-

surrection of 1832 with its massacre of sixty-one innocent women and children at Southampton, Va. Writing in 1836, the visiting English authoress, Harriet Martineau, said: "Among the many hundreds of persons in the slave States, with whom I conversed on the subject of slavery, I met with only one who defended the institution altogether. All the rest who vindicated its existence, did so on the ground of the impossibility of doing it away."

And what of Thomas Jefferson, who had announced the theory, so inconsistent with the institution of slavery, that all men are endowed from birth with the inalienable right of individual liberty? As far back as 1774 he said before the Virginia convention of that year: "The abolition of slavery is the greatest object of desire in these colonies, where it was unhappily introduced in their infant state." The South of Calhoun, Davis, Toombs, and Stephens could not appeal in behalf of the justice of slavery to the early patriots of Virginia, the Carolinas or Georgia. At a later time Jefferson urged the adoption of some scheme of deportation, as did Henry Clay, but could see no immediate solution of the problem, although with clear vision and gloomy forebodings he apprehended the coming of the disastrous sectional division on the subject. "There is not a man on earth," he declared, "who would sacrifice more than I would to relieve us from this heavy reproach, in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if in that way a general emancipation and *expatriation* could be effected; and gradually and with due sacrifices I think it might be. But as it is,

we have the wolf by the ears and can neither hold him nor safely let him go. Justice is in one scale and self-preservation in the other." [1] Yet he took the State rights position that Congress had no authority to limit the area of slavery, this being "the exclusive right of every State."

By 1820 the dreaded sectional alignment had come. The great State of New York had abolished slavery in 1817, although the act was not made operative until 1827. The North had let the "wolf" go, but it was then only a little wolf [2] and excited no fear; the South, with the bulk of the blacks within its borders, had the great wolf by the ears, and, believing with Jefferson that it could not "safely let him go," took measures to hold him fast. The development of a great and profitable industry by means of slave labor and the cotton gin also exerted an inevitable influence on the public mind in the States producing that staple.

[1] Jefferson's Complete Works, Vol. VII, p. 159.

[2] The size of the "wolf" in the North appears to have been considerable forty years earlier, at the time the Constitution was framed and made to provide representation in Congress based on three-fifths of the slave population—an arrangement proposed by James Wilson, of Pennsylvania, voted for by all the States except New Jersey and Delaware (*Elliot's Debates*, Vol. I, pp. 168–169), and approved by Hamilton in *The Federalist*, No. 54, where he says, "The Federal Constitution decides with great propriety on the case of our slaves when it views them in the mixed character of persons and property,"—persons to be protected in life and limb and property to be bought and sold. "This," he adds, "is, in fact, their true character." That the "wolf" was much greater in the North of 1787 appears from the mention in *Elliot's Debates*, Vol. I, p. 194, of an estimate submitted by General Bloomfield giving New Hampshire 102,000 slaves, New Jersey 145 000, and Virginia 300,000. A later estimate published in Niles's *Register* in 1811 (Vol. I, pp. 264–5), gives New Hampshire in 1790 only 158 slaves, New Jersey 11,423, New York 21,324, and Georgia 29,264. Apparently a single generation witnessed the transfer of the bulk of the Northern slaves to Southern soil whereon they could be more profitably employed.

While Northern opinion, now finally set free, continually advanced toward opposition to slavery on American soil, dominant Southern opinion moved steadily away from the abolition sentiment of Jefferson, Madison, Monroe, the Randolphs, and the early Southern anti-slavery societies. Southern statesmen became apologists and then advocates. Bishops and churchmen discovered that slavery was an institution of Divine origin, pointing out that the people of Israel had received laws for its regulation through Moses, apparently not observing that polygamy was similarly sanctioned by the ancient customs of the same people. Legislation naturally followed in some of the States, providing for a stronger hold on the wolf that could not be safely let go. He might be trained in all the mechanic arts and be taught the Christian religion, but he must not learn to read lest he know too much and tend to develop a restive and alarming discontent.

Yet the negro's situation, all things considered, was on the whole less hard than this would seem to imply; for the mechanic arts, the Christian religion, and association with the Anglo-Saxon race, had been slowly transforming savages into civilized men. He was better off than his grandfather had been in Africa, for in most cases the latter had been the victim of a system of hereditary slavery reaching back to remote antiquity. Mungo Park, who in 1795–7 journeyed a thousand miles inland from the western coast, testified that "throughout Africa" the "slaves are nearly in the proportion of three to one to the freemen"; that the negroes "purchased by Europeans on the coast are chiefly of this [enslaved] description"; that there were slaves of two kinds, those born of slave

mothers and those captured in war, and that the former were "by far the most numerous," for even the captives taken in war "are generally" slaves; and, finally, that "the slatees who purchase slaves in the interior countries and carry them down to the coast for sale constantly prefer such as have been in that condition of life from their infancy, well knowing that these have been accustomed to hunger and fatigue, and are better able to sustain hardships than freemen; neither are they so apt to attempt making their escape." [1] Sir Samuel Baker, also, in his narrative of an expedition to Central Africa, says: "In every African tribe that I have visited I found slavery a natural institution of the country." [2]

Testimony of reputable witnesses, showing that the new form of slavery endured by the negroes in the Southern States was on the whole as humane as is possible under such a system anywhere, might also be adduced, but is unnecessary. It is worth while, however, to suggest that Southern negro slaves of the second quarter of the nineteenth century were in some respects less to be pitied than Northern negro freemen of the same period. In our own times it has been remarked that the general attitude toward the individual negro's shortcomings is more tolerant and patient in the South than in the North, and this has been reasonably attributed to the results of long association. A similar difference of attitude in the slave and the free States was noted early in the last century. De Tocqueville, writing in 1835 from the unbiased

[1] Mungo Park, *Travels in the Interior of Africa*, Vol. I. p. 27; Vol. II. Chap. 22, pp. 98–102 (Cassell's National Library edition).
[2] Sir Samuel W. Baker, *Ismailia*, p. 340.

standpoint of a foreigner, says: "Whoever has inhabited the United States must have perceived that in those parts of the Union in which the negroes are no longer slaves they have in nowise drawn nearer the whites. On the contrary, the prejudice of race appears to be stronger in the States which have abolished slavery than in those where it still exists; and nowhere is it so intolerant as in those States where servitude has never been known." The astute French observer notes that, though intermarriage was lawful in the free States, "public opinion would stigmatize as infamous" the white person who espoused a black; that, though the electoral franchise had been conferred on the negroes in almost all the free States, "if they come forward to vote their lives are in danger"; that, though negroes might serve as jurors, "prejudice repels them from that office"; that there were separate schools, separate hospital wards, separate galleries in theatres; and that thus the free negro of the North "can share neither the rights, nor the pleasures, nor the labor . . . of him whose equal he has been declared to be." In the South of 1835, on the other hand, "the negroes are less carefully kept apart"; and "although legislation treats them more harshly, the habits of the people are more tolerant and compassionate."[1] Seeking to explain why "the prejudice which repels the negroes seems to increase in proportion as they are emancipated," and why "inequality is sanctioned by the manners whilst it is effaced from the laws," De Tocqueville reaches the conclusion that slavery was

[1] Alexis De Tocqueville, *Democracy in America* (Bowen translation) Vol. I, pp. 460–62.

abolished in the States of the North "not for the good of the negroes but for that of the whites." That this was true on the commercial side the South has always charged. De Tocqueville's conclusion was doubtless sufficiently just in the year 1835, the growth of moral conviction and outspoken aversion to traffic in human creatures being more evident at a later period.

When Stephens began his career in Congress the sectional alignment on the slavery question was complete; North and South, free labor and slave labor, were avowedly and unalterably opposed. It was inevitable that the prevailing Southern view should be Stephens's view, as it was that of virtually every other Southern Whig of prominence. Yet his instinctive impulses were democratic in the fullest sense, and had he lived within another environment, he would have been found on the side of free labor. He reveals this instinctive impulse in his speech on the annexation of Texas, even while he justifies the institution of slavery as it existed in the Southern States. After frankly acknowledging that the admission of Texas would "give additional power to the southwestern section in the national councils," and that he desired it for that reason—not because of the "extension of the 'area of slavery,'" as alleged—he continued: "I am no defender of slavery in the abstract. Liberty always had charms for me, and I would rejoice to see all the sons of Adam's family, in every land and clime, in the enjoyment of those rights which are set forth in our Declaration of Independence as 'natural and inalienable,' if a stern necessity, bearing the marks and impress of the Creator Himself, did not, in some cases, interpose and prevent.

Such is the case in the States where slavery now exists. But I have no wish to see it extended to other countries; and if the annexation of Texas were for the sole purpose of extending slavery where it does not now and would not otherwise exist, I should oppose it. This is not its object, nor will it be its effect. Slavery already exists in Texas and will continue to exist there."[1] The real Stephens spoke here—the man who was always moved with sympathy for the weak and compassion for the unfortunate. The Stephens who in 1861 described slavery as the "corner stone" of Southern civilization and the negro's "natural and normal condition,"[2] spoke from a persuasive faith, from a compelling environment, and from the excitement and partisanship of a conflict which had at last demanded the arbitrament of the sword.

Not a field for the extension of slavery, which already existed in Texas, but additional power for the South in Congress, was Stephens's chief object in urging the annexation of the "lone star" republic. This he regarded as an offset to the material disadvantage to his section which he apprehended. "The accession will be to the [material] interests exclusively of the North and West," he declared. "The North will have an enlarged market for her manufactures and will have a new competitor in the field against the South, in the growth of the raw material which she now has to buy. . . . The South will have nothing to sell the people of Texas, but will feel sorely her formidable competition in the production of cotton

[1] Cleveland's *Letters and Speeches*, p. 301.
[2] *Ibid.*, p. 721.

and sugar." Among the reasons in favor of annexation, other than the one noted, were these, that Texas would provide an outlet for the accumulating population of the United States, and that the Texans were of the "Americo-Anglo-Saxon" race. "They are from us and of us, bone of our bone and flesh of our flesh. Our sympathies are with them; they have an attachment for our institutions and form of government, and in their struggles for the establishment of the same it is but natural that we should be disposed to extend them a helping hand, though our interests may not be thereby advanced."

To the modern student this speech is more interesting in its incidentals than in its main argument. For example, Stephens speaks of the United States as a "confederacy" and exhibits a devotion to the principle of State sovereignty no less uncompromising than that so emphatically expressed in the Massachusetts resolutions to which reference has been made. He asserts that slavery "is a matter that exclusively concerns the States in which it exists," and "with which the general government has no right to interfere." He declares that the main object of the Constitution was "to form a union of States, a species of confederacy; conferring upon the joint government of the confederation, or union, the exercise of such sovereign powers as were necessary for all foreign national purposes, and retaining all others in the States, or the people of the States, respectively." This Constitution, by its own provision, was not established until formally ratified by as many as nine States. Eleven ratified it, and thus it became alive and active, while North Carolina and Rhode Island long refused to do so, and thus remained

foreign territory (the latter until 1790) in their relations to the newly-created Union. Stephens referred to this in order to show that the objection that the Union could not receive an accession of such foreign territory as Texas was absurd, the practice having been inaugurated almost from the outset by the admission of the foreign territory of North Carolina, Rhode Island, and Vermont within a few years after the Union's formation. He might have added that North Carolina and Rhode Island, provided there was no resort to armed coercion, could have remained independent to this day. But he finds the case of Vermont still more to the point:

"She [Vermont] was a separate and independent community with a government of her own. She was not even one of the original revolting thirteen colonies. She had never been united in the old Confederation. . . . She was a distinct, independent government within herself. She had her own constitution, her own legislature, her own executive, judiciary and military establishment, and exercised all the faculties of a sovereign and independent state. She had her own post-office department and revenue laws and regulations of trade. The United States did not attempt to exercise any jurisdiction over her. . . . The gentleman from Vermont says New York claimed jurisdiction over her and finally gave consent for the admission of Vermont as a State. This is true. But Vermont did not recognize the jurisdiction of New York; she bade defiance to it. And after years had rolled on in this situation, she treated with New York, as one sovereign treats with another, and paid thirty thousand dollars for a relinquishment of that jurisdiction which she would not allow to be exercised, and was then admitted into the Union as one of the States." [1]

[1] Cleveland's *Letters and Speeches*, p. 295.

On the day this speech was delivered the resolutions for the admission of Texas were carried in the House by a vote of one hundred and twenty to ninety-eight, and as soon as the Senate and the President had acted the empire recently lost by Mexico, with its 207,504 square miles of territory, became a State of the American Union. Stephens and seven other Southern Whigs contributed by their votes to this important result, and for this act they were bitterly denounced as traitors to their party.

Stephens was also sharply criticized in the South, with much bitterness in some instances, for declaring in his annexation speech that he was "no defender of slavery in the abstract," which shows how sensitive the Southern public had already become. His future as a Southern statesman was not jeopardized, however, his popularity being already too general and his abilities too widely recognized. The faithful *Georgia Journal* (Whig) declared that the manner in which the Democratic newspapers of that State assailed Stephens was "amusing to witness," being labor in vain. The same newspaper proudly announced that its favorite had received the unanimous nomination of the convention of the seventh district.

CHAPTER IV

HE OPPOSES THE MEXICAN WAR

THE newspapers of the forties and fifties contained much interesting comment on Stephens's appearance as a man, his powers as an orator and his abilities as a statesman, frequently comparing him with that other unusual product, John Randolph of Roanoke. After his speech before the Clay Club of Richmond in June, 1844, a local newspaper, *The Compiler*, regretted "that Providence, which bestowed upon him such liberal intellectual powers, had not armed him with physical energies more in keeping with the energies of his mind," and added: "His voice is very much of the same order as Randolph's, and he resembles him much in the disparity between the strength of his mental and physical constitution." According to the Richmond *Republican*, "in brilliant and cutting invective" Stephens had "few equals among the public men of the day," and in this particular "he frequently reminds his hearers of John Randolph."

The Macon *Journal and Messenger* of December 19, 1849, quotes as follows from the Philadelphia *Inquirer*:[1]

"Physically one of the most feeble, Alexander H. Stephens, of Georgia, is yet intellectually one of the ablest members of the House of Representatives. Short and slender in stature with the face and head of

[1] Daguerreotype Sketches of Members of Congress, by E. M. J.

a young girl [he was then nearly thirty-eight years old], his appearance at once arrests attention, from its contrast with the more masculine figures around him. His voice, thin and sharp and shrill as the 'ear-piercing pipe,' cleaves the dense atmosphere of the sombre chamber, startling the House and galleries by its clear, penetrating tones. Every eye is instantly turned upon the speaker, for he is one of the few members who always command attention. If he is introducing a bill, he presents a lucid and logically arranged statement of its character and object which reaches the dullest comprehension. Having thus laid it before the House, he calmly awaits the assaults of its adversaries. Should any misstatement of his remarks be made, he promptly corrects it on the spot. As the debate approaches to a close, he again takes the floor, and passing in review all the weightier arguments of his opponents, and mingling the most bitter sarcasm with the strongest invective that parliamentary decorum admits of, he tears asunder with the keen scimitar of his logic the finest webs of sophistry and the most ponderous mass of reasoning. Seeking exclusively the success of his measure, he avoids mere declamation, however tempting the occasion, and deals only with the facts that press most heavily against his case. When personally assailed, nothing can exceed the severity of his reply. When aroused, his tongue becomes a whip of scorpions. Of all the men in the House, he is the last for a new member to break a lance with. With a better arranged mind than John Randolph, he is probably more like him than any one who has been in Congress since his time."

The Pennsylvanian[1] of this year comments sneeringly on a recent speech in the House into which Stephens "exploded" and which "breathed sulphur in every line;" but the same newspaper in 1854,

[1] Quoted in the *Georgia Telegraph* of March 6, 1849.

though criticising his politics, is forced to praise the man. "And yet," it says, "this ungainly-looking individual is considered by many the ablest member of the House, and of a House, too, that can boast some of the best minds of the country. . . . You look in vain for some outward manifestation of that towering, commanding intellect which has held the congregated talent of the whole country spellbound for hours. It is not in the eye, for it is dull and heavy. [Having just left a bed of severe illness, Stephens appeared at this time to be more emaciated than usual.] It is not in the face, for it is meaningless. It is not in the voice, for it is shrill and sharp; but still you feel convinced that the feeble, tottering being before you is all brain—brain in the head, brain in the arms, brain in the legs, brain in the body —that the whole man is charged and surcharged with electricity of intellect—that a touch would bring forth the divine spark!"

Another estimate of unusual interest is quoted in Cleveland's *Letters and Speeches* from Rev. W. H. Milburn, the half-blind chaplain of Congress, who declared that in spite of all the odds against a "victim of life-long disease," Stephens was the "most powerful orator" in Washington at that period. "How nearly disease and genius may be associated, is a question which I leave for psychologists to settle. But I feel sure that sleepless nights and days of pain have much to do with the brilliant intellect of this remarkable man." Comparing Stephens with John Randolph, he says: "Both have been the victims of disease whose origin dates far back in life, and each has consequently been the owner of a body, which, however exquisitely

it may have been strung, has been perilously sensitive. Both have exercised almost unequal sway on the floor of Congress; and both have been noted as masters in the art of offensive parliamentary warfare. Both have been admitted to be unimpeachably honest and fearless statesmen. But Mr. Randolph had scarcely a friend. Mr. Stephens has hardly an enemy. Bodily infirmity, if it did not master Mr. Randolph's will, soured his temper and gave to his perfect diction the poison of wormwood, and to his spirit the bitterness that verged upon misanthropy. Mr. Stephens has conquered suffering and made himself strong and noble by entering heartily into the sweet charities of life." The Virginian is described as "an intolerant aristocrat"; the Georgian as "simple and genial in his manners as a child. . . . Whether Mr. Stephens continues in the House, which I presume he would prefer as the great popular body, or be removed to the Senate, I think that the country will one day adjudge him the finest orator and ablest statesman in either."

On reading the speeches of our earlier statesmen, the modern student is apt to wonder a little at the profound effect they produced and the enthusiastic praise they evoked. This feeling of slight disappointment is doubtless due to the imperfect reporting as well as to the absence of the magnetic personality of the speaker. In a letter written in 1846 Stephens expresses great dissatisfaction with one of his speeches as printed and states that "the reporter's notes" preserved the order of his utterances, but neither his language nor the structure of his sentences. Probably a similar complaint could have been made with equal justice against the reporting of most public speeches

during the first half century of the American republic. For this reason as well as others such contemporary comment as has been reproduced above is of value in forming true estimates of the public men of former generations. Stephens's great abilities as a debater and powers as an orator have been widely attested. Only a speaker of extraordinary attainments could have so moved his hearers and produced the effect desired in spite of physical handicaps. The orator who is a small, sickly, emaciated man, with a shrill voice, must triumph over far greater difficulties than were faced by the physically powerful, handsome, magnetic and "leonine" Toombs, for example. The latter's oratory was "an engulfing stream of impetuous force,"[1] while Stephens's was intellectual, philosophical, logical, and convincing to the sober and reflecting mind. "There is nothing about him but lungs and brains!" exclaimed one of his hearers during his campaign against the Know-Nothing party. "Brains" was indeed his chief asset as an orator and political campaigner, but a brave spirit and an unconquerable will were powerful factors in his success.

There is indirect evidence in his letters that Stephens was personally popular at Washington early in his Congressional career, and that he numbered such veterans as Henry Clay, Daniel Webster and Judge Story among his friends, as well as the coming men of his own age. He was naturally more closely associated with the prominent Whigs than with the leading Democrats of the day. "Judge Story says," reads one of his letters to Linton Stephens in 1844, "that the Republican party to which he was attached

[1] Stovall's *Life of Toombs*, p. 184.

in 1806 and 1809 is extinct now. To tell the truth, I had always thought he was a Federalist, but it is not so. He was opposed to Adams, was a Republican, was a Jeffersonian, and was appointed Judge under Madison or Monroe [Madison]. He used to be in Congress the only Republican from Massachusetts; and he further says that most of the old Federalists now are with the Democratic party—that is, those of them who are alive. But he says the Republican party is extinct; that he has ceased to be surprised at anything; and he laughs and talks as gaily as a boy." Perhaps Judge Story thought the old Republican party was "extinct" because its Democratic offspring was now the party of slavery—an inevitable result of the conditions. An unbiased observer would probably have said that, in spite of its accidental pro-slavery attitude, the Democratic party was in other respects true to its traditions, particularly the old Jeffersonian theory that the country is governed best that is governed least, consistently resisting every effort to centralize more power at Washington than was provided for in the Constitution. Stephens's early dislike of the Federalists and his evident pleasure in finding that his elderly friend had been a Republican may be taken as further evidence that he was always at bottom a "Jeffersonian," although he did not join the Democrats until the virtual collapse of the Whig party.

Another of his letters to Linton Stephens in the same year describes with interesting detail a "diplomatic dinner" at Washington given by Senator Berrien, of Georgia, at which were present the foreign ministers and many prominent Americans. The account suggests to the modern reader a somewhat

overdone attempt at elaborate state and elegance, with which Stephens, or his correspondent, was apparently not then familiar. We learn that Mrs. Berrien, the only lady present, "sat in the middle of the table with the French minister on her right and the British minister on her left." And further: "The table was decorated with flowers, etc., and filled with glass, but nothing eatable was to be seen except some jellies and strawberries. Everything was handed round by servants. First soup, then fish, then beef, then something else, I know not what; then sweetbreads, then chicken, then birds, then beans and asparagus, then strawberries, then Charlotte de Russe, with jellies, then ice cream, then cherries and apples. A change of plates took place at each of these *courses*. Six wine glasses were placed near each plate, and in them we first had sherry, immediately after soup, then Madeira, claret, champagne, brandy, etc., with hock and just what each wanted at all times. I forgot to mention Henderson, the late Texas plenipotentiary, as one of the company; and I forgot to say also that the last course was a *snuff-box* handed all round. The candles were lighted as dark came on [the dinner was on June 11, 1844, and the hour was half-past six], and we left the table at half-past ten, and repaired to the drawing room, where coffee was served in the handing order. The whole passed off very well and *nobody got drunk*"—a fact presumably due to a chivalrous regard for the feelings of the only lady present! "The whole company was jovial and the conversation spirited. The servants who handed meats, etc., were called *waiters*, those who served wine were called *butlers*. They were all colored but *one*, a *French cook*,

who figured largely, and all wore silk gloves and had on aprons." After describing the personal appearance of the more distinguished guests, he concludes: "But I can say no more; and this I have said to you only in order to write a few moments before going to bed. . . . I don't write such stuff as this for anybody but yourself." [1]

Stephens's correspondence of the early months of 1846 contains interesting references to the Oregon and Mexican questions. In regard to the former he took a conservative attitude in opposition to the more radical policy which clearly could not be maintained without a war with England, for which the country was not prepared. He lamented on February 8th that "Mr. Polk does not intend to permit England to question our right to the whole country up to 54° 40′" [reaching the southern boundary of Alaska], and that "there is to be no compromise in the matter," adding: "This I look upon as a position involving the direct issue of war; and if Congress will back him up in that particular, war is inevitable. I think that correspondence [between our State Department and the British Foreign Office] will do more to humble the pride of our country and tarnish our glory than anything that has occurred since the organization of the government. For we shall never sustain it. England has rights in Oregon and we shall have to admit them, and the position of our Chief Magistrate will have to be abandoned."

The event justified this prediction. Four months later, on June 11th, he writes: "The Oregon question is, I think, about to be settled. It is said that Mr.

[1] Waddell's *Life of Linton Stephens*, pp. 53–5.

Pakenham has sent in to Mr. Polk Her Majesty's ultimatum, which is a settlement of boundary on the basis of 49°, with the whole of Vancouver Island to England ; the free navigation of the Strait of San Juan de Fuca, and the free navigation of the Columbia for ten years. It is also said that Mr. Polk will not make a treaty upon these terms without first taking the advice of the Senate. Pity that he was not always as cautious and conservative. If he had been we might not now be at war with Mexico."

That the war with Mexico was precipitated without just cause Stephens saw clearly from the beginning. In his correspondence of May 10, 1846, he declares that General Taylor had no authority to cross the Nueces River, and recalls that in the resolutions admitting Texas it was expressly provided that questions of boundary should be left for adjustment between this country and Mexico ; that the territory extending from the Nueces to the Rio Grande del Norte was disputed between Mexico and Texas, the latter never asserting her jurisdiction over it ; and that, therefore, as a simple matter of justice we should have left it unoccupied until the right to it was settled by negotiation. The war undoubtedly resulted from this unnecessary and unjustifiable advance of United States troops. It is no less clear that the precipitation of the conflict in this way was welcomed by President Polk and the supporters of his administration, they being influenced partly by the desire for territorial aggrandizement and partly by the need of distracting attention from the humiliating issue of the Oregon boundary dispute. Their responsibility for a groundless war against a weak republic is not lessened by the fact that the issue of

the Oregon question need not have been humiliating in itself, had not their reckless demand for 54° 40′ been made in a threatening manner and then abandoned rather than provoke war; for the line of 49° insisted on by England was the same that was originally proposed by Calhoun as Secretary of State under the Tyler administration.

Stephens's speech in the House on June 16, 1846, was remarkably bold, the armed conflict with Mexico having actually begun a month before. Cautious Whigs listened to it with alarm, well knowing that a war in which an early victory is sure, and with promising possibilities in the way of gain, has never in any country failed to be popular with a majority of the people. Stephens charged that not only could armed strife have been avoided with honor, but that Polk's order sending Taylor's army into the disputed territory while negotiations for the delimitation of the boundary still pended was a "masked design"[1] to bring on the struggle.

The proofs he presented are conclusive, but they cannot be produced here, a history of the war with Mexico having no part in this volume. It need only be said that after the annexation of Texas General Taylor with a large force was ordered to the new State, although the possibility of a hostile attitude on the part of Mexico was extremely remote in view of the impoverished and distracted condition of that republic, and the inconceivable madness of attacking the whole United States after failing to subdue the single revolting province of Texas. During six months after his arrival General Taylor reported no signs of any disquiet-

[1] *Speech on the Mexican War*, Cleveland, p. 310.

ing preparations or movements beyond the Rio Grande, yet on January 13, 1846, he was directed from Washington to advance his army to Matamoras across 150 miles of disputed territory. General Pedro D'Ampudia, hastening toward the same point with 200 cavalry, sent General Taylor a dispatch ordering him to retire from the soil of the Department of Tamaulipas, the message, which was expressed with great dignity and breathed a sense of outrage, ending with the exclamation: "God and liberty!" Taylor held his ground and war followed. The treaty of Guadaloupe, February 2, 1848, fixed the Rio Grande as the boundary line, and in addition gave the United States the vast territory included in California, New Mexico, Arizona, Nevada, Utah and the western part of Colorado. These rich fruits of conquest were not even thinly disguised by the payment of the trivial sum of $15,000,000 by the Washington government. At the time few Americans could realize the great wrong done Mexico, but to-day the impartial historian is forced to take virtually the same position which Stephens boldly assumed in 1846 in the face of popular clamor and in the midst of war.

He not only showed the injustice of the war itself, but attacked President Polk in person for precipitating it "without authority from Congress." He spoke as a genuine, an alarmed and a bold democrat when he said: "I hope never to see the day when the Executive of this country shall be considered identical with the country itself in its foreign relations, or when any man, for scanning his acts, however severely when justly, shall on that account be charged with opposition to his country. Such is the case only where allegiance is due

to a crown, where the people's rulers are their masters; but, thank God, in this country we can yet hold our rulers to account. How long we shall be permitted or disposed to do so I know not; but whenever we cease to do it we shall become unfit to be free."

In answer to the charge that he and his party were opposed not only to continuing the war but to voting supplies, Stephens declared that he was not opposed to its active prosecution to a speedy and honorable end, merely to the way it was brought about and what he feared was its real object. He demanded to know if it was for conquest. "If so," he said, "I protest against that part of it. I would shed no unnecessary blood; commit no unnecessary violence; allow no outrage upon the religion of Mexico; have no desecration of temples, or 'reveling in the halls of the Montezumas'; but be ready to meet the first offers of peace. I regret that General Taylor did not have the authority to accept the proffered armistice. In a word, I am for a restoration of peace at the earliest day it can be honorably effected." And further:

"I am no enemy to the extension of our domain, or the enlargement of the boundaries of the republic. I trust the day is coming, and not far distant, when the whole continent will be ours; when our institutions shall be diffused and cherished, and republican government enjoyed, throughout the length and breadth of this land—from the far south to the extreme north, from ocean to ocean. That this is our ultimate destiny, if wise counsels prevail, I confidently believe. But it is not to be accomplished by the sword. Mr. Chairman, republics never spread by arms. We can properly enlarge only by voluntary accessions, and should attempt to act on our neighbors only by setting them a

good example. This has been the history of our silent but rapid progress thus far. In this way Louisiana, with its immense domain was acquired. In this way the Floridas were obtained. In this way we got Oregon, connecting us with the Pacific. In this way Texas up to the Rio Grande might have been added; and in this way the Californias and Mexico herself may in due time be merged in one great republic.

"There is much said in this country of the party of progress. I profess to be of that party; but I am far from advocating that kind of progress which many of those who seem anxious to appropriate the term exclusively to themselves are using their utmost exertions to push forward. Theirs, in my opinion, is a downward progress. It is a progress of party, of excitement, of lust of power; a spirit of war, aggression, violence and licentiousness. It is a progress which, if indulged in, would soon sweep over all law, all order, and the Constitution itself. . . . It is to progress in *these* essential attributes of national greatness that I would look: the improvement of mind, the 'increase and diffusion of knowledge among men,' the erection of schools, colleges and temples of learning; the progress of intellect over matter; the triumph of mind over the animal propensities; the advancement of kind feeling and good will among the nations of the earth; the cultivation of virtue and the pursuits of industry; the bringing into subjection and subservience to the use of man of all the elements of nature around us; in a word, the progress of civilization and everything that elevates and ennobles man. This, Mr. Chairman, is not to be done by wars, whether foreign or domestic. Fields of blood and carnage may make men brave and heroic, but seldom tend to make nations either virtuous or great."

In his speech on the Mexican Appropriation Bill, delivered in the House on February 12, 1847, Stephens returned more boldly than ever to the attack upon the

Polk administration and its war of conquest, which he described as an "unnecessary and expensive" one, into which the country had been plunged "by the sole and unauthorized act of the President." He declared that "to suppress inquiry, and silence all opposition to conduct so monstrous, an Executive ukase has been sent forth, strongly intimating if not clearly threatening the charge of *treason* against all who may dare to call in question the wisdom or propriety of his measures." Not only was Congress, which "possesses exclusively" the war-making power, "never consulted until after hostilities were commenced," but "the right is even now denied that body to make any legislative expression of the national will" as to the object in view in such a war. "The strange and new doctrine is now put forth that Congress has nothing to do with the conduct of the war; that the President is entitled to its uncontrolled management; that we can do nothing but vote men and money to whatever amount and extent his folly and caprice may dictate. . . . This is nothing less than the assumption that patriotism consists in pliant subserviency to Executive will —that the President is supreme, and 'the King can do no wrong.'"

Stephens avowed his readiness to vote the necessary funds, as the American forces could not now be withdrawn, but he refused to be silent. "The President may repeat as often as he pleases, that the war was 'unavoidably forced on us,' but such repetition can never change the facts. It is a war of his own making, and in violation of the Constitution of the country. And so history, I doubt not, will make up the record, if truth be fairly and faithfully registered in her

chronicles." Stephens then presented evidence indicating that vast acquisitions of territory were intended from the outset, pointing to Mr. Polk's orders to American naval officers in the Pacific as far back as 1845, and citing a letter of Secretary of War Marcy, dated June 26, 1846, which stated the President's intention to send a regiment around Cape Horn to attack California, and gave instructions that the said regiment, which Colonel John D. Stevenson was to organize, should be composed of persons "likely to remain, at the end of the war, either in Oregon, or in any other territory *which may then be a part of the United States.*" In the same month, June, 1846, as later appeared, General Kearny with 1,600 men was sent across the country from Fort Leavenworth with orders to plant the American standard in California.

It was a war "with a view to conquest," undoubtedly, and the dismemberment of the United States of Mexico had already begun. But would the American people endorse such a war and such results, after sober second thought? Stephens seemed to believe that they would not, for he exclaimed: "Do they suppose that the people of this country hold in such slight remembrance the principles upon which their government is founded, as to be prepared to sustain a war waged for an object no higher than that which springs from an unholy lust of dominion and the spread of empire? Do they suppose that this country, which has not yet arrived at the full vigor of manhood, has so soon forgotten the lessons of its early instruction, as to be ready to enter upon that wild career of military prowess which has been the bane of so many nations before us, and has been the destruction of all former

republics? . . . I beg to protest, not only for myself, but for the country also." [1]

This shows that Stephens understood the principles on which our government was founded better than he understood the American people. The latter clearly wanted the war for the sake of its fruits. Certain writers seek to put the responsibility for the deliberate aggression upon the "slave power," but the "slave power" was never so strong as this view would imply. Granting that many Southern leaders did wish to extend "the area of slavery," it remains to be said that the war with Mexico could not have been forced and carried to its conclusion without the enthusiastic support of the great majority of the people throughout the country. The question of slavery was a subordinate one. The simple fact is that the people of the United States wished to extend their dominions and possess the Pacific slope. In 1846–8 they were fascinated by the vision of conquest, just as their sons were when the Philippines were wrested from Spain fifty years afterward. The love of conquest is bred in the bone of the Anglo-Saxon race, and the Americans themselves have ever been a conquering people. They were engaged for more than two centuries in driving the Indians out of the land; they fought for and won their freedom from British interference; they would have fought France and Spain, as soon as they were able, for the possession of Louisiana and Florida, had not those two countries been wise enough to sell in good time; they would have carried the Oregon boundary to Alaska by force and with shouts of enthusiasm had not the cost in blood and treasure been too great; a

[1] Cleveland's *Letters and Speeches*, pp. 320–334.

few Americans wrested Texas from the feeble mother country and the American people as a whole conquered an empire from Mexico; in the war of 1861–5, one-third of the Union, which rashly aspired to an independent existence, was subjugated by the other two-thirds and held in the position of conquered territory for years; and before the end of the same eventful century the conquering arms of the great imperial republic of North America were carried into the thousand islands of the Philippines on the other side of the world.

The Democrats of 1846–48 failed to coin the phrase, "manifest destiny," which was so effectively employed by the Republicans of 1898–1900, but the impulse if not the argument was essentially the same in both cases. The chief difference between the work of "destiny" and the Democrats in the forties and that of "destiny" and the Republicans in 1898 was that the latter acquisition was less distinctly foreseen and less "inevitable" than the priceless territory wrested from Mexico.

CHAPTER V

A LEADER OF THE WHIG PARTY

It was inevitable that Stephens's bold and searching criticism of the war upon Mexico should be bitterly denounced by the Democrats. His discussion with William Lowndes Yancey, of Alabama, became so heated that a duel was with difficulty averted through the mediation of Robert Toombs, and so severe were the reproaches of Herschel V. Johnson, of Georgia, in an article in the *Federal Union*, that Stephens demanded a retraction from his old friend and challenged him. The affair ended with the latter's dignified refusal, but the two remained estranged until Johnson was elected Governor of Georgia in 1855, when a reconciliation was brought about through the efforts of friends.

This was not the only occasion on which Stephens sought that "satisfaction" which the Southern gentleman of the period was expected to demand, by inviting an offending political opponent to accept the issue of mortal combat. In 1856, after he had abandoned his own disintegrating political organization and had been driven by the slavery controversy into the Democratic fold, he was recklessly charged by Benjamin H. Hill with having "betrayed the Whig party and having acted worse toward it than Judas Iscariot." Stephens promptly challenged Hill to fight a duel and the latter declined, publicly as well as pri-

vately, in language that is worthy of record. "If the invitation to mortal combat," he wrote, "is intended as a mere formal occasion, to exchange a few harmless shots, I can only say that I never engage in farces. . . . It might be some satisfaction to you to shoot at me, though I should entertain no great fear of being hit . . . [but] I might possibly kill you, and though you may not consider your life valuable, to take it would be a great annoyance to me afterward. The ceaseless accusations of my conscience that I was a *murderer* would be the bane of all my future happiness. . . . I regard dueling as no evidence of courage, no vindication of truth, and no test of the character of a true gentleman. I shall be a 'braggart, liar and poltroon' enough, now and forever, to declare that what the laws of God and my native State unite in denouncing as murder, could give me no satisfaction to do, to attempt or to desire. This determination is but strengthened when the contrary course involves the violation of my conscience and the hazard of my family, as against a man who has neither conscience nor family."

Angered by an unjust charge in the first place, and smarting the more under Hill's forcible reply to the challenge, Stephens expressed himself, in a card published in the Augusta *Constitutionalist* of December 12, 1856, as follows: "When a mendacious gasconader sets up wantonly to asperse private character and malign individual reputation, and then refuses that redress which a gentleman knows how to ask, as well as how to grant, no course is left for the most courteous and decorous, the most upright and honorable, but to put the brand of infamy upon him—there to remain

until a radical change in his character, and especially in his conduct, either in giving personal insults or in making proper amends for them, shall remove it." In the same card he described Hill as "not only an impudent braggart but a despicable poltroon besides."

The indications are that the sympathy of the better element of the public was with Hill—in his dignified refusal to fight a duel, at least, that action being commended by a number of newspapers in Georgia and neighboring States and no doubt by many persons in private. Not only did Hill's effective thrust at Stephens—currently condensed to "I have a soul to save and a family to support, and you have neither" —cause wide-spread amusement, but such an attitude on the part of a man of his eminence induced sober reflection and did much to discourage dueling in the State. There is just this much to be said in excuse of the practice, that it placed a physical weakling such as Stephens on a level with a strong man such as Hill in the case of intolerable insult for which the law could give no redress.

Stephens had been made to appreciate this by painful experience when brutally assaulted by Judge Cone in 1848. A duel in lieu of that disgraceful affair would have been more just to him, as well as more manly in Cone. The latter was reported to have denounced Stephens as a "traitor" to his country because of some difference of political opinion, but when Stephens inquired if he had done so he denied it, whereupon the former expressed gratification, confessing that when irritated by the report he had said in the presence of others that if the Judge acknowledged the utterance attributed to him he, Stephens, would slap his face.

Afterward the affair was much talked of in the State and Cone, fearing it was thought he had shown cowardice, wrote Stephens demanding a retraction of his threat. Stephens replied that as the threat was contingent upon Cone's avowal of a report which he afterward pronounced false, there was now no occasion for offense and no reason for retraction. Before the receipt of this letter the two men met in a hotel in Atlanta and a retraction was again angrily demanded. Stephens replied that he had already sent his answer in writing and could say no more. Thereupon Cone called Stephens a traitor and Stephens struck him with his walking cane. Although he was a large muscular man and his frail antagonist was unarmed, Cone drew "a dirk-knife" and rushed upon Stephens, stabbing him repeatedly.[1] Stephens fell, and though he was wounded already "in eighteen places on the body and arms," Cone held the knife above his prostrate enemy, crying: "Retract, or I will cut your throat!" "Never!" said Stephens, and caught the descending blade in his right hand, which was very seriously cut as Cone attempted to wrench away the weapon. At this point Cone was dragged from his victim by the gathering spectators. At first it was thought that Stephens could not survive, one knife thrust having almost touched the heart and an intercostal artery having been severed. As a result of his injuries all of his activities were interrupted for a considerable time. He refused to appear as prosecutor, but Cone was indicted and fined a thousand dollars.

Stephens's criticism of the war policy of the Polk administration was the source of anxiety in the Whig

[1] Johnston and Browne, p. 233.

as well as of anger in the Democratic party. It was easier to denounce the war than to convince the people of its injustice, while they were rejoicing over the triumphs of American arms. The opponents of a successful war are always in an awkward position. Having already lost ground under the administration of Tyler, the Whigs could now ill afford to proclaim from the house-tops such convictions as had been expressed by Stephens. In a letter of after years describing the situation he himself said: "The Whigs as a party, while opposed to the policy of the war, were afraid to do or say anything that would bring upon them what they thought to be the odium of an anti-war party. The fate of those who had opposed the War of 1812 stood as a ghost in their path."

Such was the situation when, in 1847, Stephens introduced his resolutions on the subject. "I consulted with all the leading Whigs in the House, Northern and Southern, upon introducing them," he relates. "Every one of them dissuaded me from it, but I resolved upon doing it anyhow. I knew that I was right." These adroit and well-timed resolutions, which put the Democrats on the defensive, if not unmasking their aim of conquest, read as follows:

"*Whereas*, It is no less desirable that the interests and honor of our country should be cordially sustained and defended so long as the present war with Mexico continues to exist, than that the conflict should not be unnecessarily prolonged, but should be terminated as soon as an honorable peace can be obtained; and whereas, it is believed that a diversity of opinion prevails to a considerable extent as to the ultimate aims and objects for which the war should be prosecuted, and it being proper that this matter should be settled

by the clear expression of the legislative will solemnly proclaimed to the world :

"*Be it therefore Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present war with Mexico is not waged with a view to conquest, or the dismemberment of that republic by the acquisition of any portion of her territory.

"*Be it further Resolved by the authority aforesaid*, That it is the desire of the United States that hostilities should be terminated upon terms honorable to both parties ; embracing a liberal settlement on our part of the questions growing out of the proper and rightful boundary of Texas, and a full recognition and proper provision on her part to be made for all the just claims of our citizens against that country ; the whole to be adjusted by negotiation, to be instituted and effected according to the constitutional forms of each government respectively."

Commenting on the inevitable fate of these resolutions at the hands of the majority, Stephens remarks :

"Thus Congress refused to say that the war was 'not waged with a view to conquest, or the dismemberment of Mexico by the acquisition of any of her territory,' or that it was 'the desire of the United States that hostilities should be terminated upon terms honorable to both parties.' This refusal to avow what were the objects of the war and to express the desire for an honorable peace, gave a blow to the administration from the effects of which it could never recover."

The majority of the people eagerly consented to the acquisition of an empire at the expense of Mexico, but reverence for the principles on which the American republic had been founded made them equally ready to rebuke the Democratic leaders for their part in the

transaction. The deed was welcome, but in deference to their principles they punished the doers thereof in the following elections. The Whig opponents of the war exhibited a similar inconsistency when in 1848 they craftily selected a warrior as the standard bearer of their party. Stephens's accusing resolutions were kept before the people at the suggestion of Henry Clay himself, and became, North and South, the Whig platform on the war. Being asked what course the party should take, Clay replied: "Pass the resolutions of Stephens of Georgia." [1]

Stephens was no less strongly in favor of the nomination of General Zachary Taylor than other leading spirits in the Whig councils. He urged this course with great earnestness from first to last, believing that Clay could not be elected and that his party should take advantage of the wide-spread military enthusiasm. Though not a delegate to the Whig convention at Philadelphia, his influence was active in the choice of Taylor whose election brought the party again to power. The second of the two "Allison" letters which formed its platform was written at his suggestion by Crittenden after the two, in company with Toombs, had discussed its proposed contents. The document was forwarded to General Taylor at Baton Rouge, but as "Old Rough and Ready" had already expressed certain views in a letter addressed to Captain Allison, which promptly found its way into print, the Stephens-Crittenden-Toombs production was also addressed to Allison and put forward as a supplement prepared after more mature deliberation. It was much stronger and more persuasive than the an-

[1] Johnston and Browne, p. 225.

nouncement in the interest of General Cass, the Democratic candidate, and was skilfully employed throughout the successful campaign.

In the coming vast acquisition of territory Stephens saw not only aggression and wrong at the expense of a weak republic, but a source of future danger to the Union itself. Already on August 8, 1846, David Wilmot, of Pennsylvania, had introduced his "Proviso," which excluded slavery from the conquered territory, and, although it openly violated the covenant of the Missouri Compromise, it passed the House and was with difficulty arrested in the Senate, largely through the efforts of Calhoun. Thus was the whole agitating discussion of the area of slavery reopened, although supposed to be settled finally by the "canonized" compromise. Well might Stephens ask, in his speech in the House on February 12, 1847: "Who can sit here and listen to the debates daily on this question and look unmoved upon the prospect before us?" Well might he add: "This Wilmot Proviso and the resolutions from the legislatures of the States of New York and Pennsylvania and Ohio, all of the same character and import, speak a language that cannot be mistaken—a language of warning upon this subject, and which the country would do well to heed in time. They show a fixed determination on the part of the North, which is now in a majority in this House and ever will be hereafter, that, if territory is acquired, the institutions of the South shall be forever excluded from its limits. What is to be the result of this matter? Will the South submit to this restriction? Will the North ultimately yield? When the elements of discord are aroused, who will direct the storm? Who

does not know how this country has been shaken to its very centre by the Missouri agitation?" It is worth while to quote entire this solemn, prophetic conclusion of a far-seeing mind:

"As a political institution I shall never argue the question of slavery here. I plead to the jurisdiction. The subject belongs exclusively to the States. There the Constitution wisely left it; and there Congress, if it acts wisely, will let it remain. Whether the South will submit to the threatened proscription, it is not my province to say. The language of defiance should always be the last alternative. But as I value this Union, and all the blessings which its security and permanency promise, not only to the present but coming generations, I invoke gentlemen not to put this principle to the test. I have great confidence in the strength of the Union, so long as sectional feelings and prejudices are kept quiet and undisturbed—so long as harmony is preserved amongst the States. But I have no disposition to test its strength by running against that rock upon which Mr. Jefferson predicted we should be finally wrecked. And the signs of the times, unless I greatly mistake them, are not of a character to be left unheeded. With virtue, intelligence and patriotism on the part of the people; and integrity, prudence, wisdom, and a due regard to all the great interests of the country on the part of our rulers, a bright and glorious destiny awaits us. But if bad counsels prevail; if all the solemn admonitions of the present and the past are disregarded; if the policy of the administration is to be carried out; if Mexico, the 'forbidden fruit,' is to be seized at every hazard, I very much fear that those who control public affairs, in their eager pursuit of the unenviable distinction of despoiling a neighboring republic, will have the still less enviable glory of looking back upon the shattered and broken fragments of their own confederacy. And instead of gloating over the ruins of

the ancient cities of the Aztecs, they may be compelled to turn and behold in their rear another and a wider prospect of desolation, carnage and blood."

Probably it was such utterances as this that caused the *Georgia Journal and Messenger* of August 30, 1848, to declare that the Whigs of the seventh district had "done themselves infinite honor" by placing Stephens, "the bold, daring, chivalrous defender of Southern rights," again before the people for reëlection. In a private letter written just before the quoted speech was delivered Stephens suggests that "perhaps Polk in starting one war may find half a dozen on his hands," and adds, referring to the "dark and gloomy prospect" as regards any adjustment of the sectional difference connected with the slavery question: "I hope for the best while I fear the worst." Curiously enough, he writes later of curing his melancholy of this period by reading Burton's *Anatomy* of that distemper, jocosely referring to his absorption of the mental pabulum provided by the pedantic sixteenth century writer as a resort to "homœopathic practice."

After the election of 1848 trouble began for the Southern Whigs who found it increasingly difficult to agree with the Northern representatives of their party. The sympathy of the latter for the Abolition movement became more and more manifest. The final absorption of the Northern Whigs into the growing Free Soil or Republican party was already indicated by the events of the hour. This party in 1844 had polled for its first candidate less than 65,000 votes, but in 1848 Martin Van Buren and Charles Francis Adams received nearly 300,000 votes. Its platform repudiated

the Missouri Compromise line and declared that slavery should be prohibited in all territory of the United States where it was not already established. So far as the vexing question was concerned, Southern Whigs were Democrats and Northern Whigs were Free-Soilers. Disintegration was inevitable, although for several years delayed. "Last night in caucus," wrote Stephens from Washington on December 2, 1849, "we wanted the Northern Whigs to agree not to press the Wilmot Proviso, and not to favor or vote for the abolition of slavery in the District of Columbia. This they would not do. I believe they are bent on mischief." He adds that he quitted the meeting as did Toombs and other Southern Whigs. "I told them distinctly," he says, "that I should hold no connection with a party that did not disconnect itself with these aggressive abolition movements." The next day, after extended discussions with some of the Northern Whigs, he reports that they "seem disposed to yield nothing" and "intend to carry abolition anywhere they can by the Constitution." Even the Northern Democrats were being converted to the free-soil movement, and sectionalism was becoming intensified. "I find," writes Stephens on December 5th, "that the feeling among the Southern members for a dissolution of the Union—if the anti-slavery measures should be pressed to extremity—is becoming much more general than at first. Men are now beginning to talk of it seriously who, twelve months ago, hardly permitted themselves to think of it." As for himself, he would not yet "despair of the Republic," but what he saw and heard caused him already to be "prepared for the worst."

On January 21, 1850, he writes from Washington:

"When I look at the *causes* of the present discontent I am persuaded there will never again be harmony between the two great sections of the Union. When California and New Mexico and Oregon and Nebraska are admitted as States, then the majority in the Senate will be against us. The power will be with them to harass, annoy and oppress." He feels that there can be no real adjustment of the sectional difference, no matter what nominal compromises may be adopted, and with clear vision perceives that the North will in the end fully respond to the Abolition impulse, when slavery even in the Southern States will be doomed. "It is a great mistake," he writes in the first month of this eventful mid-century year, "to suppose that the South can stave off this question. *We have ultimately to submit or fight.*" And so, much against his will, he now speaks of secession as a probability to be reckoned with. "Could the South maintain a separate political organization?" he asks, and goes on to tell his correspondent that he has given much consideration to this question. "The result of my reflection is that she could, if her people be united." Yet when the proposition came up in his own State a few months later, he fought it not less energetically than he did early in 1861—hoping, still hoping to heal the breach and keep the Union intact.

Although Stephens displayed strong attachment for the Union in both crises, that of 1850 and 1861, his letters indicate a greater willingness to yield to the clamor for secession in the former than in the latter year. This was doubtless because in the first instance the prospect of a peaceable separation was more favorable. In 1850 Clay and Calhoun were still active, the

South still dominated to a very considerable extent at Washington, and the growing sentiment of nationalism had by no means assumed the proportions witnessed eleven years later. Only five years before Massachusetts had asserted State sovereignty and virtually claimed the right both of nullification and secession.[1] Moreover, the extreme Abolitionists themselves were demanding that the free States should cut loose from the slave States, and bitterly denounced the Constitution as being on the side of the latter. It is also true that the desire of the North to maintain the Union for commercial reasons was stronger in 1861 than in 1850. But when it was proposed that Georgia should secede in 1861 Stephens was convinced that war would result, and openly said so at a time when few of his friends agreed with him. An inquiry into the conditions during the two periods forces the conclusion that if the secessionists had been more observant, they would have preferred to make the attempt in 1850. Their movement at that date would not have been challenged with the same determination, and their chances of success in all respects would have been superior. Secession in 1850 was impossible, however, because a sufficient unanimity of sentiment could not be brought about, owing to the vigorous opposition in all the Southern States of such determined Unionists as Stephens and Toombs, of Georgia.

In a letter, dated February 10, 1850, Stephens refers to the Nashville Convention of November, 1850. "I see no prospects of the continuance of this Union long," he says. "The Nashville Convention will be held. It will be the nucleus of another sectional as-

[1] See *ante*, pp. 51–54.

semblage. A fixed alienation of feeling will be the result. The anti-slavery feeling and feeling of dismemberment [secession] may be abated but will return with increased force."

This Nashville Convention, which is described by the *Georgia Journal and Messenger*, of August 27, 1851, as "a second Hartford Convention," (being in many respects similar to that body), and which was attended by delegates from all of the Southern States, not only protested against the admission of California with an anti-slavery constitution and charged the North with an unfair and unwarrantable determination to exclude the South from a share in the territories, but also threateningly asserted the right of sovereign States to resume an independent and separate existence at will. "If," continues Stephens, greatly depressed by the outlook, "we had virtue and patriotism among our people and not demagogism, I should hope much from a Southern Confederacy." Twenty days earlier he had spoken hopefully of the South's capacity to maintain a separate political existence, but the actions and characteristics of some of the clamorers for secession apparently had caused him to take a different view. "We have the ability," he goes on, "the natural position and the resources for a great and prosperous people. All the elements of power and progress are still within reach. But I fear we should soon degenerate into factions headed by bad leaders who would look only to their own distinction."

These utterances of February, 1850, are of great interest when viewed in connection with the divided counsels, the factions and the jealousies which did incalculable injury to the cause of the Confederacy of

1861–5—Stephens himself contributing no little to the confusion and being distinctly an element of weakness on account of his honest but indiscreet and too openly expressed criticisms of his colleagues, particularly of the sentiments and methods of the Confederacy's chief.

He now turns for a moment from these perplexities and forebodings, arising chiefly from the hopeless quarrel over slavery, in order to contribute to the happiness of a faithful slave. On March 14, 1850, he wrote to Linton Stephens from Washington as follows :

"In my letter written at the House to-day I forgot to reply to the request of Googer's Harry to take Eliza for his wife. Say to him that I have no objection. And tell Eliza to go to Solomon & Henry's and get her a wedding dress, including a pair of fine shoes, etc., and to have a decent wedding of it. Let them cook a supper and have such of their friends as they wish. Tell them to get some 'parson man' and be married like 'Christian folks.' Let the wedding come off some time when you are at home, so that you may keep order amongst them. Buy a pig and let them have a good supper. Let Eliza bake some pound cake and set a good wedding supper." [1]

Shortly after this marriage Stephens purchased the dusky bridegroom as a kindness to the bride, and until his death thirty years later "Harry Stephens" acted as his master's faithful and much-esteemed body servant—half of that time as a slave and the other half as a free man. When the writer of this biography visited Stephens's old home, "Liberty Hall," in 1904, the widowed Eliza was still living and occupied a comfortable two-story house and lot which Stephens had

[1] James D. Waddell, *Life of Linton Stephens*, p. 96.

assigned to his body servant and cook after they were emancipated, telling them that they might pay him whatever they felt they could afford. It appears that this was really a gift and was accepted as such, although Harry and Eliza, for a few years after the war, relatively speaking, were richer than their former master. They had saved considerable money during many years from tips given them by guests. Eliza stated, for example, that the princely Robert Toombs, a constant visitor, never failed to give her two dollars when he took his leave. It is related that the faithful Harry offered to lend his master money when the latter was arrested and, without time for preparation, was carried off to Fort Warren as a political prisoner in 1865.

As the kindly relationship between master and servant was as real as any other phase of the slavery régime, the evidence volunteered by Eliza Stephens, a typical, coal-black "mammy" of the old South, is not without historical interest. She spoke of her former master no less affectionately than reverently and declared that he was the "best" man in the world. "Ef he ain't in heaven," she said, "'tain't no use for anybody else to try to git dere." She declared there was never a time when she was not ready to "work her fingers off," in order to win his praise of her industry. She stated that she had belonged to him ever since she was six years old, and during all the long period he had "never said a cross word." She delighted to talk of the "big dinners" at "Liberty Hall" in former times, which were of three kinds: those that the master allowed the servants to give their friends at intervals, without restriction as to cost; those of the barbecue variety for the white people of the countryside, for whom a whole

beef, lambs, pigs and chickens were slaughtered; and those of a more private and social character in honor of General Toombs, Governor Johnson and other distinguished persons, with delicate as well as sumptuous dishes, and a half-dozen wine glasses at the plate of each guest. The narrator was particular to state that her hero had never been known to "say a cuss word," or even to make an ill-natured remark, whatever the provocation. Heard in a period when the two races are continually drifting farther apart in sympathy, the fond reminiscences of this faithful old servitor were of the nature of echoes from an almost forgotten past.

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CHAPTER VI

THE SECESSION AGITATION OF 1850–1

In 1850 there were in the North, including Oregon and California, 13,269,149 whites, 196,262 free blacks, and 262 slaves—26 of the latter being in Utah and 236 in New Jersey. In the South, including the District of Columbia, Delaware, Maryland, Kentucky and Missouri, there were 6,283,965 whites, 238,187 free blacks, and 3,204,057 slaves. These figures show how important to the South, and how relatively unimportant to the North, on the material side, it was to secure the maintenance of the institution of slavery, not only in the States where it already existed, but in new territory where it might exist. For if the area of slavery did not grow as the country grew, it would soon be confined to a comparatively small section, its representatives would be outvoted at every point, and the institution itself would eventually be doomed, although from the outset recognized by the Constitution and fortified by law. This explains the long and bitter contest over the question of the extension of slavery into the territories, and accounts for the growing conviction that the Southern States must ultimately surrender the institution or retire from the Union.

Neither North nor South was now satisfied with the Missouri Compromise making 36° 30′ the dividing line westward between free labor and slave labor. Nor was either section satisfied to leave the question to the

States and territories themselves, although this was the original Southern position, and was often reasserted. On the one hand the Wilmot Proviso sought to give Congress the right to prohibit slavery in all the territories and to deny the right of the people thereof to choose in favor of slavery. On the other hand, Calhoun in 1847 introduced in the Senate resolutions containing a provision against the enactment of any law which should directly or indirectly "deprive the citizens of any of the States from emigrating with their property into any of the territories of the United States." Such was the apparently irreconcilable sectional difference when, in 1849, California asked for admission under an anti-slavery constitution, and when, in 1850, Clay offered his compromise measures. How ably and determinedly the South fought against any further inequality in numbers between the free and slave States appears from the fact that the admission of California was debated by Congress for ten months.

Stephens described the Compromise of 1850 as "an agreement on the part of the slaveholding States to continue in the Union, in consideration of these renewed pledges on the part of the non-slaveholding States, through their members and senators, to abide by the Constitution." These "renewed pledges" were involved in the acceptance of Clay's proposal to admit California, and to establish territorial governments in New Mexico and the rest of the area acquired from Mexico without any provision for or against slavery; to declare that it was "inexpedient" to abolish slavery in the District of Columbia, but "expedient" to place restrictions on the selling of slaves there; to pass a new and more effective fugitive slave

law, and formally to deny that Congress had any power to obstruct the slave trade between the States.

We must take note in passing of an utterance of Calhoun and one of Webster, in the debate on the Compromise of 1850, because of their bearing on what followed. The former brushed aside the tissue of evasions offered by temporizing politicians and laid bare the real conditions in the more powerful Northern section which already threatened the doom of slavery in the weaker. "In a short time," he said, "after the commencement of their [the Abolitionists'] first movement they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts which, in effect, abrogated the clause in the Constitution providing for the delivery up of fugitive slaves." He charged that the great body of both parties in the North, "although disavowing the Abolitionists, have coöperated with them in almost all their measures." He said the issue was in the hands of the more powerful section; would the North do that justice which was imperative if the Southern States were to remain in the Union "with safety and honor"? He prophesied a dissolution of the Union, unless Congress refused altogether to take jurisdiction in the matter of slavery, and he solemnly concluded: "*The South has no compromise to offer but the Constitution.*"

In his *Constitutional View of the War*[1] Stephens quotes from a pamphlet copy of a speech delivered by Daniel Webster at Capon Springs, Va., June 28, 1851, as follows: "If the Northern States refuse wilfully and deliberately to carry into effect that part of the

[1] Vol. I, p. 405.

Constitution which respects the restoration of fugitive slaves, and Congress provide no remedy, the South would no longer be bound to observe the compact [of Union]. A bargain cannot be broken on one side and still bind the other side." In his speech in the Senate on March 7, 1850, three days after Calhoun had spoken, Webster did not go as far as this, but he frankly admitted that the Southern States had just cause for complaint. He said:

"There has been found among individuals and legislatures a disinclination to perform fully their Constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judgment, is right, and the North is wrong. Every member of every Northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and the article of the Constitution which says to these States that they shall deliver up fugitives from service is as binding in honor and conscience as any other article. . . . I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their Constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they in their legislative capacity, or in any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all, none at all. . . . I repeat, therefore, sir, that here is a well grounded complaint against the North, which ought to be removed."

A similar appeal was made by President Buchanan in his message of December, 1860, referring to the

Constitution-nullifying "personal liberty" enactments of the New England and other Northern States intended to make the Fugitive Slave Law of 1850 of no effect. Had Daniel Webster known on March 7, 1850, all that James Buchanan knew in December, 1860, his language would no doubt have been even more emphatic. Webster's speech was plainly intended to check the violence of the anti-slavery movement and thus to save the Union, and certainly it was largely due to him that Clay's compromise measure was accepted and temporarily sustained in the North.

How real was the danger of secession in 1850, and how much the thought of it was in men's minds, may be seen from the testimony of the single fact that President Taylor, in his message of December, 1849, urged the fostering of "attachment to the Union of States," declaring that "its dissolution would be the greatest of calamities, and to avert which should be the study of every American."

The *Georgia Journal and Messenger*, of August, 1850, referring to a speech by Stephens at Warrenton, credits him with saying that he had no sympathy with those demanding a dissolution of the Union at that time, although there might be a time to come when the encroachment of the general government on the rights of the States would compel aggrieved States to withdraw. But the threatened dangers had now been warded off, and he was not without hope that they might continue to be. "He thought our present government, if properly administered, was the best in the world" and he was "not in favor of dissolution for any existing evils."

The strength of the Union sentiment in Georgia at

this time will surprise the inquirer accustomed to the supposition that a disunion attitude was more or less common in the South for many years prior to 1861. This is shown in the Georgia Resolutions of 1850, although these distinctly threaten secession as a last resort. It is also manifested in the State election of 1851, and in the utterances of the newspapers in both years. The Macon *Journal and Messenger*, of September 11, 1850, commented bitterly on a report that "the form of government for a Southern Confederacy has already been fixed upon by certain disunionists," and on September 18th the same newspaper said: "Since the mask has been drawn from the disunion project in Georgia it is astonishing how bold and denunciatory its advocates have become. Some of the presses seem to be edited by infuriated madmen and the public speakers deport themselves like men partially demented. They have no spirit of toleration, but fiercely denounce as cowards and traitors all who do not rally under the bloody flag of disunion."

The Athens *Banner* of September 19, 1850, proclaimed "unceasing hostility" toward the disunionists "until they shall ground the arms of their rebellion against a government fraught with more blessings not only to its citizens, but to the whole human race, than any in the records of history." "We take our stand boldly for the Union as it is and call upon all lovers of rational liberty to rally to its banner in this its hour of peril. . . . We know no party but that of 'the Union upon the basis of the late Congressional adjustment of the territorial and slavery questions.' Such is the faith by which we shall live or die."

The Macon *Journal and Messenger*, of February 19,

1851, is pleased to quote a legislative member on "the absurdity of secession" as follows: "Louisiana was purchased of France and paid for by the United States, but by the right of secession the State of Louisiana could go out of the Union the next day after she had been purchased for the express benefit of the Union. She could establish an independent government and tax all the produce of the United States passing down the Mississippi River." The secessionists of the new States found it more difficult to meet this argument than those of the States included among the original thirteen. A month earlier the same newspaper gladly announced that the North Carolina "House of Delegates has by a vote of thirty-one to sixteen rejected a resolution affirming the right of a State to secede." Such was their enthusiasm for the Union that the Marietta *Helicon* and the *American Whig*, both of Georgia, changed their names to the *Constitutional Union*, and the *American Union*, respectively.

The *Georgia Journal and Messenger*, of May 21, 1851, astutely observed: "They [the secessionists and Abolitionists] agree in all points except one; and upon that they are aiming at the same end for opposite reasons. The Abolitionists declare that disunion will *destroy* slavery—the secessionists contend that it will perpetuate it!" And after quoting from the resolution of the Southern Rights Convention of South Carolina, holding "the right of secession to be essential to the sovereignty and freedom of the States of this Confederacy," the *Journal and Messenger* cites the following from the resolutions of the Abolition convention at Syracuse, N. Y.: "Resolved, That odious as has been the government principle of South Carolina for

the last twenty years, we cannot withhold from her the praise justly due to her consistent maintenance of the great cardinal doctrine of the right of secession by the single State—a doctrine vital to liberty and the only safeguard of the several sovereignties from the tyranny of a grasping centralization." [1] The *Journal and Messenger* of August 27, 1851, refers to a description in the Richmond *Enquirer*, date of December 10, 1808, of a gathering of the electors of Virginia (assembled to cast their vote for Jefferson) at Swan Tavern in Richmond, the Madison corresponding committee and the governor of the State being their guests. At this historic meeting, it appears, "bumpers" were enthusiastically emptied in honor of this toast: "*The Union of States; the majority must govern; it is treason to secede.*" Commenting, the *Journal and Messenger*, of the date given, says that "this toast was aimed at the New England secessionists, afterward known as the black cockade Federalists, and the Hartford conventionists," and sarcastically observes: "All must admit 'the case being altered alters the case,' and the theory of secession by a New England State in 1808 is quite a different thing from secession by a Southern State in 1851. . . . The doctrine of secession, therefore, is the doctrine of the old New England Federalists—the Hartford conventionists—of the black cockade Federalists. It is now the doctrine of the Nashville conventionists, the Syracuse Abolition conventionists, of the disunionists of South Carolina, and of the McDonald men of Georgia."

The Macon *Union Banner*, of September 6, 1851,

[1] See report of the Syracuse Convention of May 7–10, 1851, in the *National Anti-Slavery Standard*, of May 15 and 22, 1851.

argues that "the Union of States is perfect and perpetual," and the Savannah *Republican* a few days later earnestly calls on all lovers of the Union to support Howell Cobb for governor and to make every effort to return a majority of Union men to the legislature. In the presence of the peril of secession "nothing remains to be done but for the people to rise in their might and with a torrent of indignation signally to rebuke at the ballot box the fell spirit of insubordination now rife among the fire-eaters, which threatens the overthrow of the government and the total destruction of all that freemen hold dear. We verily believe that the issues involved in this canvass are peace, safety and prosperity on the one hand, and on the other secession, revolution and war."

The utterances of the secession newspapers are equally interesting. The language on both sides was scarcely less bitter than that employed in the North and in the South eleven years later. Georgians who wanted to go out of the Union were guilty of "treason," while those other Georgians who wanted to stay in were "traitors" to their own people. The Southern Rights party supporting McDonald insisted that the South was degraded by the Compromise Measures. Their platform, based on the Virginia and Kentucky Resolutions of 1798, asserted the right of secession, opposed the compromise doctrine of non-intervention, and demanded interference by Congress in favor of admitting slavery into the territories. "We have all along contended," said the Columbus *Sentinel*, of September 12, 1850, "that the admission of California would fill to overflowing the poisoned cup of degradation which the North has for years been preparing for

the South. . . . We now abandon the Union as an engine of infamous oppression. We are for secession, open, unqualified secession. Henceforth we are for war upon the government; it has existed but for our ruin, and to the extent of our ability to destroy it, it shall exist no longer."

A communication in the Savannah *Georgian*, August 22, 1851, read as follows: "It is the highest duty of patriotism to wage an undying hostility to this Union. It has failed, most signally failed, to accomplish the object of its creation; instead of being a blessing to us, *it is a curse;* instead of being a sheet anchor of our liberties, it is a machine of oppression. The Union is even now virtually dissolved. Nearly all the cords that bound the States together are broken, and the few that remain are wearing smaller and weaker every day."

Stephens was spoken of contemptuously as "one of the orbs of Union Whiggery," his influence and incessant activity, as well as that of Toombs, being employed to bring about the election of the Union candidate for governor, Howell Cobb, and a Union legislature. The *Georgia Journal and Messenger*, of September 24, 1851, refers to his "masterly vindication of the Compromise Measures and of the Georgia platform" in a recent speech, wherein he also "paid a glowing tribute to the Union" as "the freest, the best and most glorious government on earth." The result of the election in the fall of 1851 was a majority of 18,000 for the Unionists over the Southern Rights party in Georgia, such being the absorbing interest in the single issue that the Democratic and Whig parties temporarily ceased to exist. So complete was the vic-

tory that the *Georgia Journal and Messenger*, December 3, 1851, felt at liberty to scoff at the defeated secessionists as the "Bull Frog Regency," the "Coffin Regiment," etc. It is to be remembered, however, that the secessionists in Georgia and the other Southern States were largely disarmed by the promise of the Compromise Measures to redress the more serious of the grievances complained of by the South. Moreover, it is necessary to look in the report and resolutions of the Georgia convention of 1850, rather than in the newspaper utterances of either side, to find the genuine and sober convictions of the people of the State as a whole.

Henry Clay and the other leaders had signed and published a paper drawn up by Stephens declaring their intention of supporting no candidate for office who would not espouse the principles established by the Compromise,[1] and an earnest and successful effort was made to have these principles affirmed by the Georgia State convention, called in December, 1850, for the purpose of deliberating on the admission of California. Delegates from the entire State were present at this gathering, Stephens and Toombs representing the counties of Taliaferro and Wilkes, respectively. The report of this convention declared that the only escape from the peril now threatening the Union of States was in that "spirit of mutual concession which gave birth to the Constitution, and which in times past had adjusted more than one controversy threatening dissolution."[2] After an inquiry as to whether Georgia, "consistent with her honor,"

[1] Johnston and Browne, p. 258.
[2] Pamphlet copy of Report of Georgia State Convention of 1850.

could accept the general scheme of pacification, the advantages of which were discussed, the report reads: "Georgia, then, will abide by the recent action of Congress, in hopeful reliance that the people of the non-slaveholding States will yield acquiescence in and faithful adherence to, that entire action. To this course she is impelled by an earnest desire to perpetuate the American Union, and to restore that peace and harmony upon which its value to herself, to her Confederates, and to mankind, essentially depends." The report expressed the fear, however, that the prospects of permanent peace were not bright, owing to the "aggressive spirit" of the people of the non-slaveholding States, to whom was addressed this dignified and solemn appeal:

"We deem this an appropriate occasion for the sovereign people of Georgia to commune with the sovereign people of those States. We would address to them the language of calm and frank remonstrance, rather than of defiance and menace. We would recall them to the faithful discharge of their duty, as Confederates, by an appeal to their reason and their moral sense. . . . Let them give heed to the warning voice of one of the Old Thirteen. She would say to them: 'Be not deceived, the destiny of the Union is in your hands. Awake from your fatal dream of security. In the integrity of your patriotism and the strength of your united action, rise up against this disorganizing heresy. Assemble in the venerated hall wherein your forefathers and our forefathers signed the Constitution, and redeem the City of Brotherly Love from the reproach of nourishing its foe. Go up to Tammany and the Tabernacle and expel from the National Emporium the genius of discord. Convene in the time-honored Faneuil, and in the name of Wash-

ington exorcise the evil spirit from the Cradle of American liberty. Everywhere, East, North, West, decree its banishment from the high places of power. *You owe the country this lustration.* As for Georgia, her choice is fraternity and Union with Constitutional rights—her *alternative*, self-preservation by all the means which a favoring Providence may place at her disposal."

The report also cited the grievances of the Southern States, including not only Northern State repudiation of the Constitutional requirement of the surrender of fugitive slaves and hostile legislation by the majority in Congress, but the "mischievous intermeddling" with the negro, who, when not thus tampered with, "is contented and attached to his master." The Constitution is described as "a bond of political union between separate sovereignties." Both the Northern and Southern States entered into "this compact" with the understanding that slavery was to be protected, and therefore "Georgia now charges upon the non-slaveholding States infidelity to this stipulation in the compact," instancing "the existence within her borders of organized societies avowedly devoted to the annihilation of an institution inwrought with the framework of her social system." The report also complains of a new school of political ethics "affecting a morality purer than that of the Apostle Paul who sent back the absconding Onesimus to his master; a philanthropy more sublimated than that of the angel who, meeting the fugitive Hagar in the wilderness, 'said unto her, Return to thy mistress and submit thyself under her hand.' Under the auspices of this school new doctrines have been promulgated, public opinion

perverted or overawed, the arm of the law paralyzed, and even the records of certain States dishonored by enactments prohibiting that to be done which the Constitution commands."

The resolutions adopted in this historic State convention read as follows :

"To the end that the position of this State may be clearly apprehended by her Confederates of the South and the North, and that she may be blameless of all future consequences,

"*Be it Resolved by the People of Georgia in Convention assembled,*

"*First,* That we hold the American Union secondary in importance only to the rights and principles it was designed to perpetuate. That past associations, present fruition, and future prospects will bind us to it so long as it continues to be the safeguard of those rights and principles.

"*Second,* That if the thirteen original parties to the compact, bordering the Atlantic in a narrow belt, while their separate interests were in embryo, their peculiar tendencies scarcely developed, their Revolutionary trials and triumphs still green in memory, found Union impossible without compromise, the thirty-one of this day may well yield somewhat in the conflict of opinion and policy, to preserve that Union which has extended the sway of republican government over a vast wilderness to another ocean, and proportionally advanced their civilization and national greatness.

"*Third,* That in this spirit the State of Georgia has maturely considered the action of Congress, embracing a series of measures for the admission of California into the Union, the organization of territorial governments for Utah and New Mexico, the establishment of a boundary between the latter and the State of Texas, the suppression of the slave trade in the District of Columbia, and the extradition of fugitive slaves and

(connected with them) the rejection of propositions to exclude slavery from the Mexican Territories, and to abolish it in the District of Columbia; and, while she does not wholly approve, will abide by it as a permanent adjustment of this sectional controversy.

"*Fourth*, That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to the disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slaveholders thereof; or any act abolishing slavery in places within the slaveholding States, purchased by the United States for the erection of forts, magazines, arsenals, dockyards, navy-yards, and other like purposes; or any act suppressing the slave trade between slaveholding States; or any refusal to admit as a State any Territory applying, because of the existence of slavery therein; or any act prohibiting the introduction of slaves into the Territories of Utah and New Mexico; or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

"*Fifth*, That it is the deliberate opinion of this Convention that upon the faithful execution of the Fugitive Slave Bill by the proper authorities depends the preservation of our much-loved Union."

CHAPTER VII

NULLIFICATION AT THE NORTH

THE Constitutional Union party, which carried Georgia against secession in 1851, represented a very earnest movement to preserve the Union and at the same time to maintain intact the rights guaranteed the slaveholding States under the Constitution. With the Clay Compromise and the Georgia Resolutions as its platform, it now sought to perpetuate itself. Its members, composed largely of Whigs and partly of conservative Democrats, were dissatisfied with both the old parties, and in their convention of April, 1852, they resolved to stand apart and support no candidate for the presidency who did not recognize the Compromise Measures as a final settlement of the questions involved. So decided was the majority against sending delegates to the Baltimore convention of the Whig party, which nominated Winfield T. Scott, that no proposition to that effect was introduced. Stephens, Toombs and Hill were all unwilling to support General Scott because, as the first named explained, he avoided endorsing the Compromise Measures and because he "suffered his name to be held up as a candidate for the presidency in Pennsylvania and Ohio by the open and avowed enemies" of those measures. The standard bearers chosen by the Constitutional Union or Independent Whig party were Daniel Webster, of Massachusetts, and Charles J. Jenkins,

of Georgia, the choice of Webster being no doubt largely the result of his speech in the Senate on March 7, 1850, in favor of the Compromise.

Reflecting the feeling among Southern Whigs, the *Georgia Journal and Messenger*, of January 8, 1852, declared that the regular Whig party at the North had "already been subsidized," and that General Scott would be "sustained by the entire Free Soil and Abolition vote." This newspaper, in the same article, went on to say: "We have strangled disunion; now let us throttle Abolition in its stronghold. 'A union of the South for the sake of the Union,' would be a glorious sight—a sight upon which the spirit of Washington and the fathers of the Union would look down with ineffable delight." After the convention of the Independent Whig party, in the same newspaper, of the date of April 28, 1852, appeared this interesting editorial statement: "The organization of the Constitutional Union party is the beginning of a great Southern movement on the true basis. Hitherto the basis of such movements has been too narrow. The sectionalism and ultraism which have hitherto characterized them, have defeated them, and their leaders have become the representatives of sections and factions. They have alarmed that instinct of devotion to the Union common to the people of the South. Such has been the history of the Southern movements from 1832 to 1850; and the overwhelming defeat of the Southern Rights party is the last and most convincing proof that devotion to the Union is the strongest passion of the people of the South, and that no Southern movement can ever succeed which contemplates the possible dissolution of the Union."

We cannot doubt that this would have proved a true prophecy, if the people of the Southern States could have been assured that their Constitutional rights would remain secure. As Lincoln said to a deputation of freedmen in 1862, but for the presence of the negroes in this country and the sectional conflict thereby brought about there could have been no war.[1] Even as it was, had Daniel Webster been a younger man, had he lived, and had he been able to unite the Southern and conservative Northern Whigs in his support on a non-slavery-agitation platform, the course of history, for some years at least, might have been changed. But Webster died on October 24, 1852, the independent Whigs were embarrassed, and their movement checked. Such was their devotion to the policy proposed, however, that Stephens and others, after Webster's death, actually voted the ticket bearing his name. The struggle to maintain this conservative organization had ceased by the end of the second year of its inception, and Stephens, Toombs, and other Southern Whigs who stood for slavery and the Compromise as well as for the Union, found themselves without a party. The Northern Whigs were now hearkening to Seward's "higher law" doctrine, and getting ready to go into the new Republican party. The national Whig organization was doomed. The Southern Whigs soon found it necessary either to ally themselves with the Democrats on the common ground offered by the slavery question or to join the "Know Nothing" or American party. Disapproving of the latter, Stephens and Toombs finally became Democrats, but the majority of their associates first went into the Know Nothing

[1] *Lincoln's Speeches*, Vol. II, p. 222.

party which opposed the easy naturalization of foreigners and insisted on the election of native citizens to office. The electoral vote for Pierce, the Democratic candidate for President in 1852, was 254, while that for Scott, the national Whig candidate, was only forty-two, showing how strong was the influence of Clay and Webster, and how popular the Compromise, which the Democratic platform unequivocally endorsed.

Nevertheless opposition to the Compromise Measures, and especially to the new Fugitive Slave Law, grew rapidly toward vast proportions in the North, the movement being greatly stimulated by the appearance and immense popular success of *Uncle Tom's Cabin*, which one of its admirers declared would "make two millions of Abolitionists." The author wrote of conditions in the slave States from hearsay, the local color was factitious and unreal, the negro characters were idealized white people with black skins; but as a denunciation of traffic in human beings the book still impresses its readers as one of unusual power, and its influence at the time may be readily understood. Probably no other work of fiction was ever so important a factor in a revolution of public opinion. Already the Abolitionists had grown bolder in their demands and more radical in their speech, and even the utterances from the more moderate element were such as to alarm the South. Seward declared that "there is a higher law than the Constitution," and that "slavery must be abolished." "Rather than tolerate national slavery," said the New York *Tribune*, "let the Union be dissolved at once, and then the sin will rest where it belongs." William Lloyd Garrison called for the "overthrow" of a Union which was "a lie" based on "a covenant with death

and an agreement with hell." Charles Sumner put the South on notice that "we are bound to disobey" the Fugitive Slave Law. Horace Greeley said "the free and slave States ought to be separated." Joshua R. Giddings looked "forward to the day when there will be a servile insurrection in the South; when the black man . . . shall assert his freedom and wage a war of extermination against his master." Wendell Phillips found the "merit in the Republican party" to be: "It is not national; it is sectional. It is the North arrayed against the South." And he exclaimed: "All hail! then, disunion." Discussing the cure for slavery, the *Independent Democrat*, the leading Republican newspaper of New Hampshire, said that "men must foment insurrection among the slaves." Anson P. Burlingame declared that "the times demand and we must have an anti-slavery Constitution, an anti-slavery Bible and an anti-slavery God."

While the more radical "Liberty Party" of Abolitionists demanded the suppression of slavery in the South by Congressional decree, the anti-slavery party of Garrison called upon the Northern States to cut themselves loose from the Southern by seceding from the Union and repudiating that Union's slavery-protecting Constitution. At the seventeenth annual meeting of the latter at Syracuse, N. Y., May 7–10, 1851, with Garrison presiding, it was "resolved, that as for the Fugitive Slave Law, we execrate it, we spit upon it, we trample it under our feet." Other resolutions were passed declaring not only that there could be no surrender to the "demon spirit of evasion, procrastination or compromise," but that there could be "no Union with slaveholders." H. C. Wright, one of the

speakers, said that "every moment the Union continues as it is, it is an unmitigated curse," and that "the Constitution can never be altered" and "slavery can never be abolished" on American soil "while the Federal Union lasts." Garrison himself said: "There is no power under the name of Union that can prevent us from withdrawing to clear our skirts of the guilt of slavery at the South."[1] "The dissolution of the Union [by the anti-slavery forces] is only a question of time," declared H. C. Wright. The proceedings show no opinions differing from those cited. In the strength of this all-pervading passion we see unquestionable indication that if the South had not separated from the North, the North would eventually either have separated from the South or followed out the still more revolutionary course of repudiating the slavery-protecting Constitution and suppressing the institution in the South by the power of the conqueror. Three years later at Framingham, Mass., on July 4, 1854, the venerated Constitution, so long regarded as a product of the genius of the fathers of the republic, was burned in the sight of the multitude, and Garrison applied the torch. This act was thus described by Dr. Moncure D. Conway, Garrison's friend and associate, at the one hundredth anniversary of the Abolitionist leader's birth, December 10, 1905:

"He held up the Constitution, struck a match and burned it to ashes. Then he said: 'Let all the people

[1] See report of this convention in the *National Anti-Slavery Standard*, issues of May 15 and 22, 1851. In the issue of July 11, 1850, Samuel J. May writes that "when we have overthrown the present Constitution of our country we shall labor to establish another government in harmony with the will of God and the equal rights of man."

say "amen."' There were hisses mingled with amens, but there stood Garrison beaming upon us, not excited in face, word or gesture. It was the most picturesque thing I ever saw."[1]

The picturesqueness extended to the language employed on that memorable occasion, for according to Dr. Conway, Parker Pillsbury, "an orthodox preacher," described the Democratic party, in his address, as "the G—— d——est party that ever existed"; and "everybody felt like getting up and saying, 'Thank you.'" Yet Moncure D. Conway was the son of a Virginia slaveholder. At the anniversary meeting in 1905 this Southern Abolitionist, aged eighty-three, quoted Garrison as saying at a banquet in Boston on May 5, 1853, in the presence of a large company including Senators Sumner and Wilson, Anson P. Burlingame, Cassius M. Clay, Horace Mann, and Ralph Waldo Emerson: "Gentlemen, if you have been so fortunate as to find a Union worth preserving, cling to it. I have not been so fortunate. You will pardon me if I am somewhat lacking in loyalty to the existing Union." Presumably he wanted a Union based on something better than the Constitution he consigned to the flames a year later. He lived to see a new Union, and a newly interpreted Constitution with amendments thereto adopted in the midst of revolution; but at the one-hundredth anniversary of his birth, in 1905, the vexing negro question still survived, and there are no present indications that the problem will be satisfactorily solved even at the date of a two-hundredth anniversary in the year 2005.

[1] Report of the anniversary meeting in New York *Sun*, December 11, 1905.

After the death of Clay, Webster and Calhoun, the culmination of the struggle, as witnessed in 1861, was inevitable. The new Northern leaders such as Seward and Sumner were less willing to sustain a slavery-protecting Constitution, and the new Southern leaders such as Davis and Toombs were less determined to preserve a Union wherein the total abolition of slavery was now plainly threatened. To the South its protection and preservation had become not only an imperative necessity but almost a religion. The North on the other hand made opposition to it a matter of conscience, and popular hatred of the new Fugitive Slave Law enacted under the Compromise was no whit modified by the knowledge of the fact that the law was but an elaboration of this clause in the Constitution :

"No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due." [1]

The spectacular burning of a copy of the Constitution and the denunciation of that venerated instrument by radical leaders as "a covenant with hell" alarmed

[1] In this clause "service" was at first written "servitude," and the substitution resulted from objections raised. Cassius M. Clay, the Kentucky Abolitionist, once gave as Madison's explanation that "when slavery ceased to exist in this land they did not wish the memory of it to remain on record." If this be an inaccurate quotation from memory, Madison at any rate said, in a letter discussing the provision of the Constitution stopping the slave trade after 1808, that "some of the States . . . had scruples against admitting the term 'slaves' into the instrument," and "hence the descriptive phrase, 'migration or importation of persons.'"—*Madison Papers*, Vol. III, p. 149 (Lippincott edition, 1865).

the people of the South less than the revolutionary disposition shown by the Northern States as States when they enacted so-called "personal liberty" laws boldly nullifying that clause of the Constitution quoted above as well as the national Fugitive Slave Law. The Constitution decreed that fugitive slaves "shall be delivered up." The Northern States, through legislative enactments, virtually responded: "They shall not be delivered up." In 1832 one Southern State nullified the tariff law, but now a dozen or more Northern States nullified a mandate of the Constitution itself.

In Massachusetts the law provided for a trial by jury of alleged fugitive slaves, and that the latter might have the services of any attorney. It forbade the issuing of any process under the Fugitive Slave Law by any legal officer in the State, or the doing of "any official act in furtherance of the execution of the Fugitive Slave Law of 1793 or that of 1850." It forbade the use of any prison in the State for the same purpose. All public officers were forbidden to assist in the arrest of alleged fugitive slaves, and no officer in the State, acting as a United States commissioner, was allowed to issue any warrant except for the summoning of witnesses, nor allowed to hear or try any cause under the law.[1] Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Michigan, Wisconsin, and other States passed similar laws. New York, New Jersey and Pennsylvania passed no new laws, their statute books already containing acts (such as those referred to by Calhoun in his speech of March 4, 1850), which they deemed sufficient for the purpose. The other free labor States

[1] B. J Lossing, *Cyclopedia of United States History*, Vol. II, p. 1084.

not here named doubtless refrained from new enactments for the same reason. The declaration of causes accompanying South Carolina's ordinance of secession charged that "the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them," and that the states of Ohio and Iowa had even refused to surrender fugitive slaves charged with murder.

It is curiously interesting and significant that the New England States, which received comparatively few fugitive slaves, were more radical than some of the States along the border which received many; while, on the other hand, the far Southern States which rarely lost slaves were more concerned about a strict law than Kentucky and Maryland which lost many. Not the recapture of a few slaves but tolerance of slavery was what the North opposed; not the loss of fugitive slaves, but the uncompromising spirit of interference looking toward the final abolition of slavery on American soil was what irritated and alarmed the South. But if the legislatures of the border States of the North were less eager to provide Constitution-nullifying enactments than the New England States, their people were as ready to prevent the recapture of escaped slaves. In the old *Georgia Journal and Messenger* may be found the following dispatch from Baltimore dated September 12, 1851:

"Edward Gorsuch and his son Dickinson Gorsuch, two highly respected residents of Baltimore County,

Md., pursued several slaves owned by them to Lancaster County, Pa., a few days ago. They found the fugitives yesterday in a small house. The marshal accompanied the Messrs. Gorsuch into the house, when the negroes retreated up-stairs armed with muskets. They blew a horn and were soon joined by about two hundred negroes and white persons who fired upon the pursuers, instantly killing Gorsuch and his son and mortally wounding three others. The marshal commanded the white persons who had assembled to assist him to arrest the perpetrators of this outrage. They refused to lend him aid and the fugitives remain uncaptured. There is immense excitement throughout the county. It is supposed that the President of the United States must interfere." [1]

Such legal enactments and such occurrences in the Northern States were sufficient to convince every reflecting mind that the institution of slavery would ere long be imperiled even within the limits of the Southern States themselves. The growth of this conviction was accompanied in the South by the growth of the desire to cut loose from a confederation wherein the compact of union was violated. And when the decision to seek separate political existence was determined on, the object was not merely to preserve slavery but to win independence and protect all those rights which the original sovereign States had reserved to themselves when they granted limited powers to the central government jointly created by them. This was the prevailing Southern view, even the opponents of secession admitting the existence of serious grievances.

The average Southerner saw in the attitude of the

[1] Later advices announced a reward of $1,000 "to convict the guilty parties" offered by the governor of Pennsylvania.

Northern people merely a spirit of outrageous and unwarrantable interference. In the North, on the other hand, detestation of slavery grew apace, and the orator readily thrilled his audience with expressions of desire and determination to sweep the institution from the North American continent. Outside of the Southern and border States, only in New Jersey and Utah were a few slaves still to be found. A quarter of a century had gone by since the State of New York had abolished the last vestige of slavery and a hundred years had passed since Benjamin Franklin "made many a venture in the purchase and sale of negroes,"[1] partly procured in New England, and announced to the readers of the *Pennsylvania Gazette*, published at Philadelphia, that by enquiring "of the Printer hereof" they might secure "a Likely Young Negroe Wench," "a Likely Mulatto Girl," a "Likely Young Negroe Fellow," a "Lusty Young Negroe Woman," etc., etc. So the people of the North accepted the exceptional pictures in *Uncle Tom* as generally typical, shared the horror of the English representative in this country of the London *Spectator* at the rewards offered in the Baltimore newspapers for the capture of *yellow* as well as black runaways, and could see no better side to an institution which, although deplorable in many of its phases, had at least been an industrial training school and had transformed savages into semi-civilized men. They turned a deaf ear and scoffed when Stephens, in his speech on the Missouri Compromise on December 4, 1854, declared: "Take them in Africa; take them anywhere on the face of the habitable globe; and then take them in the Southern States, and the negro popu-

[1] Paul Leicester Ford, *The Many-Sided Franklin*, pp. 319-321.

lation of the South are better off, better fed, better clothed, better provided for, enjoy more happiness and a higher civilization than the same race has ever enjoyed anywhere else in the world."

This was the appearance, if not in every particular the reality ; for the average laughter-loving negro, before the days of education, seemed to be contented in almost any situation. Stephens pointed out that from 1840 to 1850, while the increase of the free negroes in the North was only a little over ten per cent., the increase of the slaves in the South was over twenty-eight per cent. He also showed more crime among both races in the North than in the South in proportion to numbers.[1]

Stephens was wise, at such a time, not to go on to suggest the possibility of benefits to the slaveholder other than the financial, as some modern writers have done. "Negro slavery," says Edward Payson Powell, of New York,[2] "had, however, not been without its ameliorating contributions to American history. It had secured a larger range of social sentiments, and prevented the unchallenged dominance of Puritan conceptions. In Virginia it aided in the development of a class devoted to statesmanship. England and France with their immensely older civilization had no minds to surpass Washington, Jefferson, Marshall, Madison, Calhoun and Livingston. There was a hardness about

[1] Dr. W. H. Wilcox of Cornell University, a government statistician, in an address before the American Social Science Association at Saratoga, September 6, 1899, showed that the negroes were nearly three times as criminal in the Northeast and more than three times as criminal in the Northwest, in proportion to numbers, as they were in the South at the time of his estimate.

[2] *Nullification and Secession in the United States*, p. 370.

New England life at the best that was lacking in the South. Hospitality was the first of Southern virtues; economy the first in New England. Channing wrote in 1799: 'I blush for my own people when I compare the selfish prudence of a Yankee with the generous confidence of a Virginian.'" It might well have been added that in addition to the development through leisure for culture and through the habit of command, there was an ennobling influence from the sense of responsibility for the welfare of the helpless, as illustrated in the extensive system of missionary work among the plantation slaves directed by Bishop Capers, of South Carolina.

But no such gains may be considered legitimate when gathered at the cost of the enslavement of a race, particularly when they were more than offset by the injury done by the institution to the lower class of Southern whites. Nor could the mention of these gains be expected to do more than excite anger during the stormy decade of 1850–1860. Such was the fierce disapproval among the Northern people at last that they could not listen with patience to the suggestion of manumission with reimbursement to the slave owners, although this was favored by Lincoln to the end, and had been the just plan of Mexico, England, and other governments, when decreeing the emancipation of slaves, and although the loss to the Southern slaveholders, direct and contingent, was so vast as to be overwhelming. The point was reached where it was desired to punish the people of the Southern States for the existence of an institution for which all sections were originally responsible, which the South of 1850–60 had inherited and could not be expected to do other than uphold, fearing

that emancipation would mean not merely incalculable pecuniary disaster, but anarchy and possibly a reign of terror. The North was no less unwilling to do justice to the South's reasonable apprehensions in the midst of an appalling situation than was the South to admit the strength of the North's moral conviction against slavery in any form.

The intensity of feeling indicated above, developed after the passage, in 1854, of the Kansas-Nebraska bill which reopened the slavery agitation and rendered it more violent than ever before. Part of the area ceded by Louisiana, not covered by the bills providing for Utah and New Mexico, had now been settled and required territorial government. Accordingly Stephen A. Douglas introduced a bill to this end agreeable to the spirit of the Compromise Measures of 1850, specifying that the States which might at any time be formed in the new territory should leave the question of slavery to be decided by the inhabitants thereof on the adoption of their constitutions. This was called "popular sovereignty" by the advocates of the bill and "squatter sovereignty" by its opponents—the latter term having first been used by Calhoun in 1848, in describing the adventurers who had gone to California as mere "squatters" on the public domain, and contending that to recognize their right to set up a government to suit themselves was to assert the doctrine of "squatter sovereignty." Those who stood with Calhoun then now took a different view. On the other hand, those who had then contended that California had a right to decide the question of slavery for herself, even in the section below the line of 36° 30′—she having declared against it—now, with Seward and Sumner as their

leaders, objected to popular sovereignty for Kansas and Nebraska, ignored the Compromise Measures of 1850, and went back to the Missouri Compromise of 1820 as the "solemn compact" and binding law.

This would have been consistent if there had been no Wilmot Proviso, no determined effort to go south of the 36° 30′ line and shut slavery out of all the territory taken from Mexico; it would have been reasonable if there had been no Compromise of 1850 providing the same thing as popular sovereignty for the Mexican territories. But under the circumstances the complaint that the Kansas-Nebraska bill abrogated the Missouri Compromise was readily answered by the reminder that the old "compact" was already abrogated. It was abrogated, though the fact was not officially stated, when the Compromise Measures of 1850 were adopted through the influence of Clay and Webster, one provision securing the admission of California with an anti-slavery Constitution, although part of that State lay south of the 36° 30′ dividing line. That the Kansas-Nebraska bill was in general conformity with the Compromise of 1850, and that the influence of Clay and Webster was still felt, are evident from the fact that this strife-breeding enactment of 1854 was "consummated by the coöperation of the North," was "originated by a senator from a free State," was "passed by a Congress containing in each branch a majority of members from the free States," and "was sanctioned by the approval of a free State President."[1] Nevertheless it was even more of a victory for the South than was the Compromise of 1850, and the "furious indig-

[1] Baker's *Memoir of Wm. H. Seward*, pp. 24–27 (Vol. IV of Seward's Works).

nation" which "swept the North" may be readily accounted for. Yet if there was to be any compromise at all between the sections in regard to the introduction of slavery into new territories, there could be no more equitable arrangement and none more in keeping with American institutions than that described by the term "popular sovereignty."

It will be interesting to note at this point Stephens's dissection of the claim that the North had faithfully abided by the "sacred compact" of the Missouri Compromise for thirty years. In his speech in the House, February 17, 1854, he declared in the first place that the South was "in no sense a party to this Congressional restriction north of 36° 30′ except as a vanquished party, being outvoted on the direct question; protesting against it with all her might and power." A majority at the South "always held that clause of the Missouri act to be unconstitutional"; yet "for the sake of peace and harmony the South did patriotically yield, and was willing for all time to come to abide by it," until the agreement was "shamelessly disregarded by Congress," and it was evident that the North "refused to abide by her own bargain."

He cited numerous instances in support of this charge. When the admission of Missouri as a State came up in 1821 "the whole South was for letting her be admitted and the entire North nearly was against it," notwithstanding the fact that Missouri's constitution was in agreement with the "canonized" Compromise. In 1836 in the vote for the admission of Arkansas with a constitution tolerating slavery, "though she was south of 36° 30′, there were fifty-two names under the lead of Mr. Adams in the negative—every

one of them, I believe, from the North." In the case of Texas, of the 125 Northern votes in the House fifty-one were for the annexation with this line (36° 30′) in it, while there were seventy-four who refused to give it their sanction. Concerning the vote in the case of Oregon in 1847 Stephens said:

"From the votes of the House upon what was well known as the 'Wilmot Proviso,' the South had just reasons to apprehend that it was the fixed determination of a majority of the North to disregard entirely what is now called the 'sacred covenant of 1820.' When, therefore, the bill to organize a territorial government for Oregon came up in this House on the 15th of January, 1847, Mr. Burt, of South Carolina, to take the sense of the North directly upon the question of *abiding* by this line of 36° 30′, moved as an amendment to that clause in the bill which excluded slavery forever from that territory, these words,—'inasmuch as the whole of said territory lies north of 36° 30′ north latitude, known as the line of the Missouri Compromise.' The object of this amendment was to put a direct test to the North, whether they intended to recognize the principle upon which the controversy on the subject of slavery in the territories was disposed of in 1820 or not. Sir, the North understood the question fully and clearly, and they met it promptly,—their response was that they did not. Here is the vote upon this question: there were in this House then eighty-two votes for Mr. Burt's amendment and 113 against it. Of those noes every man was from the North. Every Southern man in the House voted for it."

In another bill to establish territorial government for Oregon in 1848 the Senate put in an amendment approving the 36° 30′ line and extending it to the Pacific Ocean, but in the House there were one hundred

and twenty-one votes against and only eighty-two for this amendment, the yeas being all Southern votes except four. Referring to the conflict over the territories acquired from Mexico and the determined effort to shut slavery out of the whole, even south of 36° 30′, Stephens went on to say:

"The strife became so embittered and fierce that legislation was paralyzed. The South again repeatedly proposed a settlement upon the Missouri line. The proposition was made in this House, on the part of the South, for the last time on the 13th day of June, 1850. . . . This proposition was rejected in the committee of the whole—ayes seventy-eight, noes eighty-nine. It was the last time, sir, it was ever offered. When the North had again and again refused to abide by it, the South was thrown back upon her *original rights under the Constitution.* Her next position was that territorial restriction by Congress should be *totally abandoned*, not only south of 36° 30′ but north of that line also. Upon this ground she planted herself on the 15th day of June, 1850. It was on that day I put the question directly to a distinguished gentleman then here from Ohio [Mr. Vinton] whether he would vote for the admission of *any* slave State into the Union and he refused to say that he would. The determination as manifested by the majority of the North was to apply legislative restriction over the whole of the common territory, in open and shameless disregard of the principles of the so-called Missouri Compromise, notwithstanding the gentleman from Vermont says that it has been adhered to and held inviolate for thirty years. . . . It was then that the South planted herself on her original ground. The whole question of slavery was to be left to the determination of the people of the territories, whether north or south of 36° 30′. The question was to be taken out of Congress where it had been improperly thrust from the beginning, and to be left

to the people concerned in the matter to be decided for themselves. This, I say, was the position originally held by the South when the Missouri restriction was at first proposed. The principle upon which that position rests, lies at the very foundation of all our republican institutions; it is that the citizens of every distinct community or State should have the right to govern themselves in their domestic matters as they please, and that they should be free from intermeddling restrictions and arbitrary dictation on such matters." [1]

To this was added the very pointed argument, which no doubt helped to pass the bill, that under the popular sovereignty plan for the territories the free States would have an immense advantage over the slave States, owing to the more than double population of the former and consequently their greater emigration to the territories, to say nothing of the foreign immigrants already flooding into the Northwest. Free labor was likely to outnumber slave labor advocates in the territories two to one and their votes could promptly exclude slavery. Why was the North afraid to trust its own people on this question?

How actively and ably Stephens was engaged in bringing about the passage of the Kansas-Nebraska bill, in addition to his speech in its favor, is suggested by the statement of Baker in his memoir of Seward that on the 22d of May "after a most exciting contest lasting nearly two months, in committee of the whole, Mr. Alexander H. Stephens, of Georgia, by an extraordinary stratagem in parliamentary tactics, succeeded in closing the debate and bringing the bill to a vote in the House, where it finally passed before adjournment

[1] Cleveland's *Letters and Speeches*, pp. 394–415.

by a vote of one hundred and thirteen to one hundred." Returned to the Senate on account of amendments, it passed that body again by a vote of thirty-five to thirteen.

The voting figures for this and the other contests of the period show that the House responded to the popular impulse at the North much more fully than the Senate, the latter, as usual, exhibiting greater conservatism and deference to the requirements of a slavery-protecting Constitution.

CHAPTER VIII

STEPHENS RETIRES FROM CONGRESS

THE presidential election of 1856 showed that the Whig party was dead. There were voters who still called themselves by that name, but they were few and they did no more than adopt the "Know Nothing" candidates. This party secured only eight electoral votes. The new and rapidly growing Republican party claimed 114, and the Democratic party 174, the latter placing its candidate, James Buchanan, in the Executive Mansion. The important events during the administration of Buchanan were, the continuing struggle in Kansas; the decision of the Supreme Court in 1857 that as Dred Scott "was a slave when taken into Illinois by his owner, and was there held as such, and brought back in that character, his status as free or slave depended on the laws of Missouri, and not of Illinois," and that he therefore was still a slave; the Mormon rebellion in Utah, in 1857–59; the Lincoln and Douglas debates in Illinois in 1858 on the subject of slavery; the admission of Oregon in 1859 with a constitution excluding free negroes from that State; John Brown's attack in 1859 on the national armory at Harper's Ferry—(described in the Senate's report as "an act of lawless ruffians")—with a view to arm the negroes of Virginia and incite them to insurrection; and finally, the secession of eleven Southern States following the election of Abraham Lincoln.

It is not within the province of this volume to consider any of these events in detail, except the last mentioned, the subject calling for attention being the activities of Alexander H. Stephens during this period. One of his speeches in Congress that must be referred to was delivered on January 15, 1855. It was a reply to Mr. Campbell, of Ohio, comparing the prosperity of the latter's State with that of Georgia, and showing the advantage of the slave labor over the free labor State on the material side. This speech caused a sensation. It is extremely plausible. There is no reason to doubt the accuracy of such statistics as were obtainable for presentation, and Stephens's honesty is unquestionable; but, as indicating that the South was more generally prosperous under slave labor than the North was under free labor, it is the reverse of convincing. In the light of all that is now known, the intelligent Southern reader is more impressed by the showing presented in 1859 by Hinton Rowan Helper in his book, *The Impending Crisis*, radical and of doubtful accuracy as are some of this Southern Abolitionist's statements. Son of a slaveholder though he was, Helper saw clearly that Southern material prosperity was one-sided, extending little beyond the limits of the comparatively small class of large planters and slave owners. The latter he estimated at 347,000, and the number in 1860 had not increased beyond 400,000 in a population of about 9,000,000, a little over 5,000,000 of whom were white. The prosperity of the South under slavery was the prosperity of a dominating minority, leaving a white majority that was injured even on the material side by the institution. It was a deceptive prosperity, not wholly unlike that of the

present in the country as a whole, which is too largely confined to another dominating minority of capitalists.

It is unnecessary to give Helper's statistics which proved for the South in general the contrary of what Stephens's statistics proved for Georgia. That a free labor section devoted to manufacturing and intensive farming was richer and more generally prosperous than a slave labor section depending solely on agriculture admits of no argument. It is equally self-evident that the Southern white man without the training or ability necessary for the professions, or without the capital wherewith to buy slaves and land, was confronted, in the matter of slave labor, with a withering competition, which, in the worst circumstances, tended to reduce him to the lowest level ever reached by any representatives of the white race on the American continent. According to Helper, white laborers were paid even less than black when the latter were hired from their owners, and wages in general were a hundred per cent. lower than in the free States. In 1856 he found in North Carolina "sober, energetic white men between twenty and forty years of age engaged in agricultural pursuits at a salary of seven dollars per month including board only," while "negro men slaves who performed little more than half the amount of labor, and who were exceedingly sluggish, awkward and careless in all their movements, were hired out on adjoining farms at an average of about ten dollars a month, including board, clothing and medical attendance." The same difference was observed in the mechanical trades, and in the case of the women of the two races in domestic service there was an even greater premium placed on the inferior labor of "negro

wenches," however "ungraceful, stupid and filthy" they might be. The explanation given for these extraordinary conditions was that "the fiat of the [slave] oligarchy has made it fashionable to 'have negroes around,' and there are many non-slaveholding white sycophants who, in order to retain on their premises a hired slave whom they falsely imagine secures to them not only the appearance of wealth, but also a position of high social standing in the community, keep themselves in perpetual strait."[1] The proportion of non-slaveholders to slaveholders, according to this authority, was "six to one"—the disparity in the South as a whole was probably not so great—yet the dominating minority controlled all legislation. Helper, who clearly saw, but exaggerated the truth, groaned over the "little the 'poor white trash,' the majority of the Southern people," knew of public measures or the real conditions of the country.

Stephens would have done well to look into the census reports and ask himself why it was that in 1790 Virginia had more than twice the population of New York, while sixty years later New York had more than twice the population of Virginia, and had also forged ahead in all industrial lines. Similar was the story of the two sections as a whole during that period, their population being about equal in 1790 and that of the North being more than double that of the South sixty years later. There is no reasonable explanation other than that the South was cursed by an institution which paralyzed its industries at their birth, holding the entire section to agriculture alone, preventing immigration, and inducing a condition of arrested devel-

[1] Helper's *Impending Crisis*, pp. 205–6.

opment. "Commerce," Governor Wise frankly told the Virginians a year or two before the war of secession, "has long since spread her sails and sailed away from you. You have not as yet dug more than coal enough to warm yourselves at your own hearths; you have set no tilt-hammer of Vulcan to strike blows worthy of gods in your own foundries; you have not yet spun more than coarse cotton enough in the way of manufacture to clothe your own slaves. You have no commerce, no mining, no manufactures. You have relied alone on the single power of agriculture, and *such agriculture!* Your sedge patches outshine the sun. Your inattention to your only source of wealth has seared the very bosom of mother earth. Instead of having to feed cattle on a thousand hills, you have had to chase the stump-tailed steer through the sedge patches to procure a tough beefsteak."

The presence of the negro as a slave cursed the South during the first half of the nineteenth century; the presence of the negro as a freeman was scarcely less a curse to the South during the latter half of that century, he being still an effectual bar to immigration. White laboring men from Europe and the populous Northern States have had no mind to face the competition which has crushed the Southern "poor whites" for a century. Reflecting Southern men of to-day are filled with sadness as they read their grandsires' eulogia of an institution which wrought the ruin of the fairest portion of the United States. Opposition to slavery on moral grounds was not the strongest motive that moved the North, whose wiser leaders saw the peril and wished to confine it within bounds, saving the territories for free labor and white men.

"The white man needs this continent," said Seward in the Senate on March 3, 1858, and Lincoln, debating with Douglas, declared that the territories should be "reserved for free white people," and become an outlet for the surplus population "where white men can find a home—a spot where they can better their condition." Lincoln spoke for the plain people of the North who were anti-negro rather than anti-slavery in their attitude, and who are anti-negro to this day, resolutely shutting the blacks out of their trade unions. A race, whether Negro or Chinese, whose standard of comfort is pitched on a lower scale and who can therefore labor for lower wages, offers competition which white men will avoid if possible. Lincoln spoke for the same plain people, who wanted no competition with either the slave or the free negro, when, in addressing a deputation of that race in 1862 on the subject of the colonization of the freedmen in some foreign territory, he said: "But for your race among us there could not be war, although many men engaged on either side *do not care for you one way or the other.* . . . It is better for us both therefore to be separated."[1]

We turn with relief from Alexander H. Stephens's deluded utterances on this subject to his other deliverances at this period that appeal to a reflecting mind. His speech against the Know Nothing movement delivered at Augusta, Ga., in 1855, was logical, sound and truly American. He showed clearly that the proposed proscription of foreign immigrants and native Catholics was contrary to every principle established through the revolution of 1776. He had previously decided not to be a candidate for Congress on account

[1] *Lincoln's Speeches*, Vol. II, p. 154.

of ill health, but hearing that his decision was attributed to the fact that the majority in his district were Know Nothings, accompanied by the insinuation that he feared defeat, he reconsidered and went into the campaign with great energy. It was in this Augusta speech that, after referring to these rumors, he made the by no means idle boast: "I am afraid of nothing on the earth, or above the earth, or under the earth—except to do wrong. The path of duty I shall ever endeavor to travel, fearing no evil and dreading no consequences. I would rather be defeated in a good cause than triumph in a bad one. . . . I am again a candidate for Congress from this district. My name is hereby presented —not by any convention but by myself. Do with it as each of you may think proper."

One of the most exciting campaigns ever known in Georgia followed. In spite of his feeble health, Stephens rode and drove long distances in all weathers to meet his engagements and spoke at many points, denouncing Know-Nothingism in unmeasured terms. Being asked if his denunciations were not too severe, he answered: "No; it is a disease, not for plasters, but for the knife." The hold of the new un-American "American" party was strong, but the people admired and were readily swayed by Stephens. Even those who were not convinced by him probably agreed with the *Georgia Journal and Messenger*, which newspaper, after criticizing his position, expressed the hope that "no complication of circumstances, or conflict of opinions among us, may deprive us of the benefit of his eminent services in the House of Representatives." He was elected by the greatest majority ever

given him and Know-Nothingism received a staggering blow from which it never recovered.

In his spirited debate with Representative Zollicoffer in January, 1856, Stephens reasserted the "popular sovereignty" idea, which was originally held by the South and which triumphed in the passage of the Kansas-Nebraska bill. "I am," he said, "for maintaining the steadfastness of the territorial bills of 1850—the principle of leaving the people of the territories, without Congressional restriction, to settle this question for themselves, and to come into the Union, when admitted as States, either with or without slavery as they may determine. This principle was recognized and established after the severest sectional struggle this country has ever witnessed, and after the old idea, whether right or wrong in itself, whether just or unjust, whether constitutional or unconstitutional, of dividing the territories between the sections (by the 36° 30′ line) was entirely abandoned and repudiated by the party that at first forced it as an alternative upon the other."

In his speech on June 26, 1856, on the proposal to admit Kansas as a State under the Topeka constitution of the free-staters, who had repudiated the previous pro-slavery legislature and who later were in turn repudiated by the President of the United States and their rival legislature dispersed by national troops, Stephens delivered an interesting defense of slavery, not only on constitutional and legal grounds, but as based on moral and Divine law. He quoted Genesis 17 : 13, "He that is born in thy house and he that is bought with thy money must needs be circumcised," in order to show that Abraham was "not only a slave-

holder but a slave dealer."[1] He cited other similar passages from the Old Testament, making much of those declaring that the slaves "forever" of the Israelites should "be of the heathen that are round about" and providing, on the contrary, that "over your brethren . . . ye shall not rule with rigor" (Leviticus 25 : 44, 45, 46). "Our Southern system," he said, "is in strict conformity with this injunction. Men of our own blood and our own race, wherever born, or from whatever clime they come, are free and equal. We have no castes or classes among white men."

This statement shows that, like all advocates of the slavery institution as a positive good, he overlooked the injury done the non-slaveholding and laboring class of whites who too often could not rise from the low level to which they had been reduced by the withering competition of slave labor. He said there were "no castes" in the South, yet there was a wide gulf between the dominating slaveholding minority and the lowest class of "poor white trash," and a caste feeling unlike anything then existing elsewhere in America.

[1] If questioned, however, he would not have defended the Southern trader in slaves. Southern contempt of slave dealers was an unconscious condemnation of the institution so generally defended in the latter part of the slavery régime. Lincoln knew whereof he spoke when in 1854 he said: "You have among you a sneaking individual . . . who watches your necessities and crawls up to buy your slave at a speculating price. If you cannot help it you sell to him; but if you can help it, you drive him from your door. You despise him utterly. . . . Your children may rollick with the little negroes but not with the slave dealer's children. It is common to join hands with men you meet; but with him you avoid the ceremony—instinctively shrinking from the snaky contact. Why is this? You do not so treat the man who deals in corn or cattle or tobacco."

"Our slaves," he went on to say, "are taken from the heathen tribes—the barbarians of Africa. In our households they are brought within the pale of the covenant, under Christian teaching and influence; and more of them are partakers of the benefits of the Gospel than ever were rendered so by missionary enterprise. The wisdom of man is foolishness; the ways of Providence are mysterious. Nor does the negro feel any sense of degradation in his condition. He occupies the same grade or rank in society that he does in the scale of being; it is his natural place; and all things fit when nature's great first law of order is conformed to." Stephens would doubtless have created a stronger impression here if he had said that, as the majority of negroes brought to America were slaves in their own country and the sons of slaves,[1] they were no further degraded but their condition greatly improved. He quoted the Apostolic fathers as well as the Mosaic laws in favor of slavery. On the whole his extensive deliverance was scarcely as forcible as the single utterance of the Georgia convention of 1850, complaining of a new school of ethics "affecting a morality purer than that of the Apostle Paul who sent back the absconding Onesimus to his master; a philanthropy more sublimated than that of the angel who, meeting the fugitive Hagar in the wilderness, 'said unto her, Return to thy mistress and submit thyself under her hand.'"

In his "farewell speech," on his proposed retirement from public life, delivered at Augusta, Ga., July 2, 1859, Stephens rejoiced that the slavery institution was apparently more strongly fortified than it ever

[1] *Ante*, pp. 60–61.

had been, as a result of the agitations following the Compromise of 1850. "Questions that were doubtful and mooted before these agitations have since been settled," he said—"settled by all the departments of the government, the legislative, executive and judicial," referring to Chief-Justice Taney's decision in the Dred Scott case and the triumph of the "popular sovereignty" plan for the territories. But all this was not enough, he thought, and the advantage gained would be fruitless without "an increase of African slaves from abroad."[1] "It takes people to make States," he said, "and it requires people of the African race to make slave States. You may not expect to see many of the territories come into the Union as slave States unless we have an increase of African stock."[2] Having reached the point where he could advocate the reopening of the African slave trade, which had ceased in 1808 by the decree of the Constitution itself, and which had so long been widely condemned even in the South, it was but a step to his glorification of slavery as the "corner-stone" of the new government of the Confederate States in 1861. This tentative suggestion of Stephens in 1859 is the more remarkable in view of the fact that the Constitution of the Confederacy adopted two years later, forbade the reopening of the African slave trade and no proposition to do otherwise was even offered in the preliminary councils. The long conflict, the bitter partisanship, the continued concentration of attention upon one unhappy subject, had

[1] Cleveland, pp. 646–647.

[2] A few months before the date of this speech the smuggling slaver, *Wanderer*, sailing under the flag of the New York Yacht Club, had landed 750 negroes from the Congo on the coast of Georgia.

at last led Stephens—though instinctively so generous and humane—to a position that would have better become a statesman of an earlier and less enlightened century.

Believing that the Southern position had been gradually strengthened since 1850, Stephens was the more disappointed at the failure of all efforts to admit Kansas under the Lecompton constitution. He blamed Southern representatives for not taking advantage of their opportunities, for their lack of interest and for their neglect of duty. He speaks in a letter of January 3, 1858, of twenty-two Democrats, thirteen of them from the South, as absent at a critical moment. "Had they been present," he laments, "we should have saved the question. How shamefully the South is represented! Some of the Southern members were too drunk to be got into the House."

The modern reader is inclined to pardon the delinquents for seeking distraction, even in this reprehensible manner, from an exhausting and interminable sectional controversy. The sectional quarrel, first over the slave and then over the freedman, has lasted for upward of a hundred years. If there had never been a slave or a freedman, and all this wealth of talent and energy had been devoted to the nation's uplift, what might not have been accomplished! "To mix daily with men who have no patriotism," groans Stephens, "and no object but their own little selfish ends, is disgusting." His sustained enthusiasm and tireless zeal were beyond the reach of the ordinary mortal whom, as usual in impatient moments, he judges too harshly. He declares that he is wearing his life out for nothing and that to seek rest in the quiet of

his home is imperative. In May of the same year he prophetically declares: "All things here are tending to bring my mind to the conclusion that the Union cannot last long."

It would appear that dissatisfaction with his associates, and a sense of the futility of all efforts to prevent the inevitable disruption, as well as his broken health, were concerned in his decision to retire. When he left the capital in March, 1859, he was asked if he did not expect to come back as a senator. "No," he said, "I never expect to see Washington again, unless I am brought here as a prisoner of war." Nor did he see Washington again until October, 1865, when he passed through that city on his way home as a paroled State prisoner after five months of confinement in Fort Warren. On his retirement from Congress, he was tendered a public dinner by the president of the Senate, the Speaker of the House and other members of each chamber, without distinction of party, as a testimonial of personal esteem. But he pleaded business engagements and declined the honor. He also had the satisfaction of knowing that he was put forward in different parts of the country as a candidate for the presidency. His letters show that he cherished no such ambition and that he discouraged the proposal, forbidding the placing of his name before the Charleston convention. "The Democratic party," he explained, "had quite enough men from whom to choose. I did not wish the office. In perfect sincerity, I should exceedingly dislike to be President. What amazes me in Douglas is his desire to be President. I have sometimes asked him what he desired the office for. It has never yet added to the

fame of a single man. You may look over the list of Presidents: which of them made any reputation after his election? Four years, or even eight years is too short a time to enable a man to pursue a policy which will be permanent enough to give him reputation."

In a state of physical collapse, disagreeing with his party associates, and discouraged at the outlook for his section, Stephens was weary of political life. His letters to his brother Linton show also that he was particularly a prey at this time to that mental torture to which reference has been made. A tour of the Northwest benefited but did not restore his health. Once settled at home, though always a sufferer, he gave continuing attention to his long interrupted law business, until the outbreak of the war, with satisfactory pecuniary returns. Unlike many politicians he had made no money at Washington, but the practice of his profession during the two years following his retirement brought him twenty-two thousand dollars. "A rule adopted by him on entering Congress in 1843," declared his friend R. M. Johnston in 1878, "was not to make a dollar in Washington beyond his salary. For all his services rendered to his constituents before the Departments, as well as the Supreme Court, when Congress was in session, receiving for them upward of three hundred thousand dollars, he would never accept a dollar, though compensation was often urged upon him. He never took a case into one of his State courts while he was in Congress; though during that period he often appeared, as an advocate, on trial of causes; but always refused to engage himself as such advocate, if that duty would conflict with his duties at Washington.

In this way he made considerable sums, often as much as two thousand dollars at a time; all of which he devoted to charitable purposes, aiding in building churches and the education of young persons without means."

Stephens declared in 1859 that he preferred the law to politics, and that he liked "being at home better than either." He fully believed that the political field would know him no more, but destiny ordered otherwise.

CHAPTER IX

HE OPPOSES SECESSION

OWING to Democratic divisions, there being no less than three tickets in the field against Lincoln, the latter secured 180 electoral votes in the election of 1860, while a total of only 123 were received by the three-cornered opposition represented by Bell, Breckinridge, and Douglas. This result was due to the folly of the Democrats as well as to the vast proportions to which the anti-slavery movement had now grown. Undoubtedly tens of thousands were attracted to the Lincoln ticket simply because it was clear that no one of the other three candidates could possibly be elected. If the Republicans could have won against an undivided Democracy and a united South, it would have been only by a very narrow majority. Even as it was, the popular vote for Lincoln was but 1,857,610, while that for the other three candidates was 2,787,780.

The Democrats split at Charleston on the popular sovereignty question, the policy represented by Douglas. The extremists demanded a plank providing that the choice of slavery or no slavery in the territories should not be left to a majority of the people therein, but that all citizens of the United States should have a right to settle "with their property" in the territories "without their rights either of person or property being destroyed or impaired by Congressional or

territorial legislation." And yet popular sovereignty, or the leaving of the question for settlement to the territories, as to the States, was in agreement with the old Southern position prior to the Missouri Compromise of 1820; it was in agreement with Calhoun's demand of non-intervention on the part of Congress; it was in agreement with the Clay Compromise of 1850, and with the policy that prevailed in the passage of the Kansas-Nebraska bill in 1854. In fundamental principle it was also in harmony with the home rule and State rights policy so persistently defended by the Democratic party from the outset. It may be said, therefore, that if the Southern leaders in 1860 had been willing to let well enough alone and stand by the South's historic position, instead of assuming a more aggressive and less consistent one, a united Democracy would have supported the policy then represented by Douglas, whether he personally were supported or not. In speaking out in favor of the Douglas ticket, Stephens was perfectly consistent with his own record and that of the South on this question.

Writing on May 9, 1860, in answer to a letter from thirteen citizens of Macon, Ga., asking for his views and his counsel, Stephens said:

"I assume as an unquestioned and unquestionable fact that *non-intervention* has for many years been received, recognized and acted upon as the settled doctrine of the South. By non-intervention, I mean the principle that Congress shall pass no law upon the subject of slavery in the Territories, either for or against it in any way—that they shall not interfere or act upon it at all,—or in the express words of Mr.

Calhoun, the great Southern leader, that Congress shall 'leave the whole subject where the Constitution and the great principles of self-government placed it.' This has been eminently a Southern doctrine. It was announced by Mr. Calhoun in his speech in the Senate on the 27th of June, 1848, and after two years of discussion was adopted as the basis of the adjustment made in 1850. It was the demand of the South, put forth by the South, and since its establishment finally has been again and again affirmed and reaffirmed as the settled policy of the South by party conventions and State legislatures. . . . It was not a new question and, whether rightly or wrongly, it has been decided—decided and settled just as the South asked that it should be,—not, however, without great effort and a prolonged struggle. The question now is, shall the South abandon her own position in that decision and settlement? This is the question virtually presented by the action of the seceders from the Charleston convention; or, stated in other words, it amounts to this: whether the Southern States, after all that has taken place, should now *reverse their previous course*, and demand Congressional *intervention* for the protection of slavery in the Territories as a condition of their remaining longer in the Union? Shall the South make this demand of Congress, and when made, in case of failure to obtain it, shall she secede from the Union, as a portion of her delegates (some under instructions and some of their own free will) seceded from the Charleston convention on their failure to get it granted there? . . . My judgment is against the demand."

When interviewed about the same time and asked what he thought of the outlook, in the light of what had occurred at the Charleston convention, Stephens said: "Men will be cutting each other's throats in a little while. In less than twelve months we shall be

involved in a war, and that the bloodiest in history. Men seem to be utterly blinded to the future." But why, he was asked, would war be inevitable even if the Republican candidate should be elected? He answered that there were not enough virtue and patriotism and good sense left in the country to avoid it.

"Mark me, when I repeat that in less than twelve months we shall be in the midst of a bloody war. What is to become of us then God only knows. The Union will certainly be disrupted; and what will make it so disastrous is the way in which it will be done. The Southern people are not unanimous now, and will not be, on the question of secession. The Republican nominee will be elected. Then South Carolina will secede. For me, I should be content to let her have her own way and go out alone. But the Gulf States will follow her example. The people are by no means unanimous; but the majorities will follow her. They are what we will start off with in our new nation—the Gulf States following South Carolina. After that the Border States will hesitate, and their hesitation will encourage the North to make war on us. If the South would unanimously and simultaneously go out of the Union we could make a very strong government. But even then if there were only slave States in the new Confederacy we should be known as the Black Republic, and be without the sympathy of the world." [1]

This was a true prophecy in every particular, even to the last statement. But Stephens's sagacity and clear vision as to this fatal weakness of the Southern Confederacy seemed to have deserted him a year later, when, in a speech delivered at Savannah, as Vice-President of the Confederate States of America,

[1] Johnston and Browne, p. 356.

and well knowing that what he said would be heard throughout the world, he glorified the slavery institution as the "corner-stone" of the new government.

It is difficult even for the student of the records to understand the intense excitement and alarm caused in the Southern States by the mere election of the first Republican President. The result was brought about by a purely sectional vote, and the country was thus to a greater degree than ever divided into two more or less hostile camps; but the election was Constitutional, there was no charge of fraud, and in both houses of Congress the Democrats had secured a majority. The slavery-protecting Constitution was still in force and until it was defied at Washington, as it had been defied in the legislatures of the Northern States, there could be no just ground of complaint against President Lincoln and his advisers. Nevertheless there was a feeling in the South, and the feeling grew, that his election was the beginning of the end, as it really was. Already many Northern States had nullified the fugitive slave clause of the Constitution through their enactment of "personal liberty" laws, and what might not be expected of them now that a President representing the anti-slavery movement had been elected? Was not the John Brown raid and undisguised Northern sympathy therewith an unequivocal indication of what was to come when the time was ripe and men were ready to act on their convictions? The Northern States having already violated the compact of Union, clearly there was now no hope that the Southern States could long maintain their Constitutional rights. Not only was the institution of slavery doomed, but a minority of States must here-

after submit to dictation from a hostile majority in control of the central government. Thus secession appeared to be the only means of redress, the right of such action being now questioned by nobody at the South, apparently, not even by Unionists like Stephens. Such was the mental attitude and the feeling among the great body of conservatives as well as among extremists. Even the "poor whites," although they could not have been unaware of the damage done them by the competition of slave labor, shared the universal dread of the consequences of freeing the negroes and turning them loose upon society, and were instinctively as much inclined to resent interference from the outside as the slaveholders themselves.

On November 14, 1860, immediately after the election of Lincoln, Stephens was invited to address the Georgia legislature on the situation. Robert Toombs had spoken before the same assembly the preceding night. "Will you submit to Abolition rule, or resist?" he thundered. "I ask you to give me the sword, for if you do not give it to me, as God lives, I will take it myself!"

Stephens, on his side, spoke dispassionately and earnestly, denying that the Union had been "a curse up to this time," and pointing out the many and great blessings, and the prosperity, which all the States had enjoyed. He recalled how, in 1832, the tariff question had so agitated the country that South Carolina was ready to nullify or secede because of it; and yet an equitable adjustment had been brought about, reason, not passion, had triumphed, and "the present tariff was voted for by Massachusetts and South Carolina." He declared that the election of no man constitution-

ally chosen was sufficient cause for any State to separate from the Union. "I do not anticipate," he said, "that Mr. Lincoln will do anything to jeopard our safety or security. He can do nothing unless he is backed by power in Congress. The House of Representatives is largely in the majority against him. In the Senate he will also be powerless. There will be a majority of four against him." Speaking of the hazards of secession and the fate of ancient, disintegrating republics, he said:

"My countrymen, if we shall in an evil hour rashly pull down and destroy those institutions which the patriotic hand of our fathers labored so long and so hard to build up, and which have done so much for us and for the world, who can venture the prediction that similar results will not ensue? There were many amongst us in 1850 zealous to go at once out of the Union, to disrupt every tie that binds us together. Now do you believe, had that policy been carried out at that time, we should have been the same great people we are to-day?"

He was for seeking redress of grievances within the Union of the fathers, as long as any hope of success existed; but should there be an end of hope in the face of wilful aggression, "no man in Georgia will be more willing to defend our rights, interest and honor, at every hazard and to the last extremity." He admitted that the policy of Lincoln and his Republican associates was to "use the power of the general government against the extension of our institutions," and went on to say:

"Our position on this point is, and ought to be, at all hazards, for perfect equality between all the States

and the citizens of all the States in the Territories, under the Constitution of the United States. If Congress should exercise its power against this, then I am for standing where Georgia planted herself in 1850. These were plain propositions which were then laid down in her celebrated platform, as sufficient for the disruption of the Union if the occasion should ever come; on these Georgia has declared that she will go out of the Union; and for these she would be justified by the nations of the earth in so doing. I say the same . . . if Mr. Lincoln's policy should be carried out. I have told you that I do not think his bare election sufficient cause; but if his policy should be carried out, in the violation of any of the principles set forth in the Georgia platform, that would be such an act of aggression, which ought to be met as therein provided for. If his policy should be carried out in repealing or modifying the Fugitive Slave Law so as to weaken its efficacy, Georgia has declared that she will, in the last resort, disrupt the ties of the Union—and I say so, too. I stand upon the Georgia platform and upon every plank of it; and if these aggressions therein provided for take place, I say to you and to the people of Georgia, be ready for the assault when it comes; keep your powder dry and let your assailants then have lead if need be. I would wait for an act of aggression. This is my position."

Stephens then discussed the action of the Northern States which by legislation had nullified the Fugitive Slave Law based on the well known clause in the Constitution, and had so long ignored repeated demands for redress of this most serious grievance.

"Northern States," he said, "on entering the Federal compact pledged themselves to surrender such fugitives. . . . They have violated their plighted faith. What ought we to do in view of this? By the law of nations you would have the right to demand the

carrying out of this article of agreement, and I do not see that it should be otherwise with respect to the States of this Union; and in case it be not done, we would by these principles, have the right to commit acts of reprisal on those faithless governments, and seize upon their property, or that of their citizens wherever found. The States of this Union stand upon the same footing as foreign nations in this respect. But by the law of nations we are equally bound, before proceeding to violent measures, to set forth our grievances before the offending governments, to give them an opportunity to redress the wrong. . . . Let us, therefore, not act hastily. Let your committee on the state of the republic make out a bill of grievances; let it be sent to the governors of those faithless States; and if reason and argument shall be tried in vain—if all shall fail to induce them to return to their Constitutional obligations, I would be for retaliatory measures, such as the Governor [Brown] has suggested to you. This mode of resistance *in the Union* is in our power. It might be effectual, and if not, in the last resort, we would be justified in the eyes of nations, not only in separating from them but in using force. . . . My own opinion is that if this course be pursued, and they are informed of the consequences of refusal, these States will recede, will repeal their nullifying acts; but if they should not, then let the consequences be with them, and the responsibility of the consequences rest upon them."

Toombs and others had demanded that the legislature of Georgia, then in session, pass an ordinance of secession, but Stephens contended that this body had no such power and insisted that a special convention be called to consider the matter (which later was done) in order to "hear from the crossroads and the groceries" and know the will of the people. He suggested that the proposed convention reaffirm the

Georgia platform of 1850, with an additional plank in it calling for the fulfilment of their Constitutional obligations on the part of the "faithless States" and their "repeal of these obnoxious laws as the condition of our remaining in the Union," adding:

"I am for exhausting all that patriotism demands before taking the last step. I would therefore invite South Carolina to a conference. I would ask the same of all the other Southern States, so that if the evil has got beyond our control, which God in His mercy grant may not be the case, we may not be divided among ourselves, but if possible secure the united coöperation of all the Southern States; and then, in the face of the civilized world, we may justify our action, and, with the wrong all on the other side, we can appeal to the God of battles to aid us in our cause. But do nothing in which any portion of our people may charge you with rash and hasty action. It is certainly a matter of great importance to tear this government asunder. You were not sent here for that purpose. I would wish the whole South to be united if that is to be done. . . . In this way our sister Southern States may be induced to act with us; and I have but little doubt that the States of New York, Pennsylvania, and Ohio and the other Western States, will compel their legislatures to recede from their hostile attitude, if the others do not. Then with these we would go on without New England, if she chose to stay out."

During Stephens's speech there were several critical interjections from Toombs and others, and one of these was to the effect that the argument with the faithless States of the North had already been exhausted. This was duly effective, being not without point, in view of the fact that Calhoun had protested in the Senate in 1850, and even Webster had at the same time urged

the Northern States to right the wrong of their nullifying legislation which was already notorious. Later Southern protest had been loud and repeated, yet nullifying legislation continued and became still more obnoxious in form and scope.[1]

Stephens closed with an appeal to Georgia's motto of "wisdom, justice and moderation," and reminded his hearers that in the event of the failure of all measures of enlightened conservatism "we shall at least have the satisfaction of knowing that we have done our duty and all that patriotism could require." Notwithstanding his opposing and radical position, Toombs generously rose at the close of Stephens's speech and said: "Fellow citizens, we have just listened to a speech from one of the brightest intellects and purest patriots that now lives. I move that this meeting now adjourn, with three cheers for Alexander H. Stephens of Georgia!" The applause greeting the proposal is described as deafening. This speech against secession attracted attention throughout the country, and being either misquoted, or quoted only in part, gave rise to the impression that Stephens not only opposed the disruption of the Union on the ground of policy but denied the abstract right of secession. Never was a misapprehension more complete. Disunion sentiment had been denounced as treasonable by certain Georgia newspapers in 1851, but the opposition ten years later does not appear to have taken any such violent form. Not the right or the wrong, but the wisdom or folly of such a course was now the question at issue, and Stephens, the strongest Union man in Georgia, had been a seces-

[1] See *ante*, pp. 104–106, 113–115, 124–126.

sionist theoretically ever since the nullification agitation of 1832. Apparently it did not occur to any of the Southern leaders to question the right of secession, which was regarded as a matter of course in the last resort. Even after the tragic collapse of the movement Stephens never wavered in his belief in and assertion of a sovereign State's right to secede, as his answers when called before the Reconstruction Committee clearly show. His *Constitutional View of the Late War Between the States*, written between 1866 and 1870 is the most exhaustive and the most able defense of the secession of the Southern States in existence.

In his private correspondence Stephens spoke of receiving a large number of letters from the Northern States discussing his anti-secession speech, nearly all of them favorably. He referred to one from George P. Curtis, of Boston, "an old Webster Whig," who "says that he believes that Massachusetts will repeal her laws; that if our State would send a proper man there, it would, in his judgment, be done. They intend, at any rate, to make the effort; and if they do not, we would be justified in quitting the Union." Another was from Richard Broadhead, of Pennsylvania, a former senator, who "gave it as his opinion that the present Republican legislature of Pennsylvania would immediately in January repeal their 'personal liberty' laws." One of the letters was from president-elect Lincoln asking for a revised copy of the speech. Stephens replied saying that his revision amounted to no more than a glance over the reporters' notes, which were substantially correct. Ever since they had been Whigs together in the House in the

forties, Lincoln had admired Stephens, and it is even said that he now considered the advisability of inviting him to become a member of his cabinet.[1] In view of Lincoln's position and that of Stephens on the slavery question, the story is doubtful. There is nothing in Stephens's correspondence to suggest that he had any knowledge of the matter. He would undoubtedly have regarded such an invitation as an intolerable reflection upon his sincerity and good faith, even though admitting it to be well meant.

Shortly after Stephens's reply to Lincoln's request—a reply in which he spoke of the country's "great peril" and declared that "no man ever had heavier or greater responsibilities than you have in the present momentous crisis,"—Lincoln wrote as follows:

"*For your own eye only*

"SPRINGFIELD, ILL., DEC. 22, 1860.

"HON. A. H. STEPHENS—

"MY DEAR SIR:

"Your obliging answer to my short note is just received, and for which please accept my thanks. I fully appreciate the present peril the country is in, and the weight of responsibility on me.

"Do the people of the South really entertain fear that a Republican administration would *directly* or *indirectly* interfere with the slaves or with them about the slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not an enemy, that there is no cause for such fears.

"The South would be in no more danger in this respect than it was in the days of Washington. I suppose, however, that does not meet the case. You think slavery is *right* and ought to be extended; while

[1] Ellis Paxson Oberholtzer, *Abraham Lincoln*, p. 162.

we think it is *wrong*, and ought to be abolished. That, I suppose, is the rub. It certainly is the only substantial difference between us.

"Yours very truly,

"A. LINCOLN." [1]

The two positions were as wide apart as the poles; they were mutually antagonistic and destructive, and no one saw this more clearly than Abraham Lincoln, whose campaign oratory for five years had been based on his well known theorem that the nation could not endure half slave and half free. It is quite clear that he had thoughts and aims of which he was not yet ready to speak. Great man, patriot, and friend of humanity though he was, he was nevertheless one of the shrewdest and most calculating of politicians, moving with the current, not ahead of it, feeling his way, keeping his ear to the ground, and biding his time. His latest biographer well says of him that "he told anecdotes to evade issues, cherished intentions that he did not publish, and tempered his speeches for those to whom they were addressed." [2]

Stephens, in his prompt reply, said there was no fear that a Republican administration would "attempt to interfere *directly* and *immediately* with slavery in the States," but he pointed to just reasons for the conviction that such an attempt would sooner or later be made. "I entreat you," he wrote, "not to be deceived as to the nature and extent of the danger, nor as to the remedy." He spoke as "one who would

[1] From facsimile, p. 266, Vol. II, Stephens's *Constitutional View of the War*.

[2] Oberholtzer's *Abraham Lincoln*, p. 301.

have you do what you can to save our common country," when he added :

"The Union was formed by the consent of independent sovereign States. Ultimate sovereignty still resides with them separately, which can be resumed, and will be, if their safety, tranquillity and security, in their judgment require it. Under our system as I view it, there is no rightful power in the general government to coerce a State, in case any one of them should throw herself upon her reserved rights and resume the full exercise of her sovereign powers. Force may perpetuate a Union. That depends upon the contingencies of war. But such a Union would not be the Union of the Constitution. It would be nothing short of a consolidated despotism. . . . Consider well what I write, and let it have such weight with you as in your judgment, under all the responsibilities resting upon you, it merits."

Stephens could have had little hope that this appeal would serve its purpose. He was convinced that if the Southern States seceded an effort to coerce them would be made by the Northern States, through the government they had placed in control at Washington. He knew also that in spite of all the efforts of himself and other conservatives, secession would take place. He was in despair. "I am daily becoming more confirmed," he wrote to Linton Stephens on November 30th, "that all efforts to save the Union will be unavailing. The truth is, our leaders and public men who have taken hold of this question do not desire to continue it on any terms. They do not wish any redress of wrongs ; they are disunionists *per se*, and avail themselves of present circumstances to press their objects ; and my

present conviction is that they will carry the State by a large majority." Happy is the man who in a great crisis can be an uncompromising partisan. His path is easy. No such ready decision and contentment of mind pertain to the lot of the truer patriots and philosophers, such as Stephens, who see and mourn over the errors of both sides.

All Southern Union men must have regarded the message of President Buchanan, sent to Congress on the first Monday in December, 1860, as unfortunate in its effect in their section. It was intended to recall the nullifying Northern States to their Constitutional obligations, and thus prevent a rupture; but, while it denied the legal right of secession, its effect was really to encourage the intending seceders to follow the course they had determined upon. The Democratic President was a Pennsylvanian, without a slaveholding Southerner's prejudices, and the abuse heaped upon him by those whom he forced to face certain facts which they wished to ignore, was unwarranted. It might have been more prudent in the circumstances to have acknowledged less fully the South's just grounds of complaint, but he spoke the truth.

He said that "the long-continued and intemperate interference of the Northern people with the question of slavery in the Southern States has at length produced its natural effects," and declared that "the most palpable violations of Constitutional duty which have yet been committed consist in the acts of different Northern State legislatures to defeat the execution of the Fugitive Slave Law"—a law "founded upon the express provision of the Constitution requiring that fugitive slaves who escape from service in one State to

another shall be 'delivered up' to their masters." He pointedly added that "without this provision it is a well known historical fact that the Constitution itself could never have been adopted by the convention." He therefore called upon the Northern States to "repeal their unconstitutional and obnoxious enactments," for "unless this shall be done without unnecessary delay, it is impossible for any human power to save the Union." He urged Congress to admonish the offending States to repeal their "personal liberty" laws. President Buchanan solemnly declared that the "sovereign" States of the South, "standing on the basis of the Constitution, have a right to demand this act of justice from the States of the North. Should it be refused, then the Constitution, to which all the States are parties, will have been wilfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event the injured States, after having first used all peaceful and Constitutional means to obtain redress, would be justified in revolutionary resistance to the government of the Union." [1]

Whether Congress would have taken any decisive action, whether the offending Northern States would have paid any attention to the remonstrance, will never be certainly known. But probably nothing would have done, for they had persisted in their Constitution-nullifying course for years in the teeth of solemn protest. Having refused to notice Daniel Webster's appeal in 1850, they could scarcely be expected to do other than ignore the voice of Buchanan

[1] George Ticknor Curtis, *Life of James Buchanan*, Vol. II, pp. 338–349.

in 1860. In any case, South Carolina did not wait to see, but passed her ordinance of secession on December 20th. The other Southern States, including Georgia, which had already called a secession convention to meet on January 16, 1861, followed after brief intervals, and the most momentous political event of the nineteenth century in America was accomplished.

The feeling of exasperation in the South, and the spirit of determination to do and dare at all hazards, were vividly expressed in Timrod's powerful and impassioned ode, of which the following is a brief extract:

"Ere thou shalt own the tyrant's thrall
Ten times ten thousand men must fall;
Thy corpse may hearken to his call,
Carolina!

"When by thy bier in mournful throngs
The women chant thy mortal wrongs,
'Twill be their own funereal songs,
Carolina!

"From thy dead breast by ruffians trod
No helpless child shall look to God;
All shall be safe beneath thy sod,
Carolina!

* * * * * *

"Fling down thy gauntlet to the Huns,
And roar the challenge from thy guns,
Then leave the future to thy sons,
Carolina!"

CHAPTER X

GEORGIA SECEDES

AFTER Congress assembled in December, 1860, futile compromise measures were proposed by Mr. Crittenden, but they did not satisfy the Southern extremists and the Republican members refused to vote for them. A resolution was adopted by the Senate declaring that the provisions of the Constitution were already ample for the preservation of the Union and that they needed to be obeyed rather than amended. This was true, but it was equally true that the Constitution had not been obeyed for many years. As Salmon P. Chase, of Ohio, naïvely confessed in the peace convention called by Virginia to meet in Washington, February 4, 1861, the trouble was that, inasmuch as the people of the free States believed that slavery was wrong, the mandate of the Constitution that fugitive slaves be surrendered "becomes a dead letter." The obvious reply of the South to this reasoning was that when one group of States took it upon themselves to decide which important mandates of the Constitution had become so much "dead letter" and which had not, it was high time for the other group or groups to repudiate the violated compact of Union and form new alliances or associations.

It is interesting to note that Mr. Chase, who four years later became Chief-Justice of the United States, went on to express the view that a "true solution" of the difficulty was "attainable by regarding

it as a simple case where a contract from changed circumstances [1] cannot be fulfilled exactly as made." Here again the obvious answer was that though this solution was "simple," it was not just unless accompanied by the admission that the other parties to the repudiated contract were no longer to be bound by it in any particular. Truly the days of compromise were at an end. The dominating element at the North was determined not to grant redress, and no adjustment was possible.

The radicals at the South now appeared to be equally determined not to be satisfied even if redress were granted. Stephens well said that certain Southern leaders were disunionists *per se* and preferred not to remain in the Union on any terms. He might well have added that one of these was his friend, Robert Toombs, who, on December 22, 1860, telegraphed from Washington to his "fellow citizens of Georgia" that secession "should be thundered forth from the ballot-box by the united voice" of that State, and then, without waiting to know the issue of Georgia's secession convention called to meet on January 16th, delivered on January 9th his farewell speech to the Senate of the United States. Toombs spoke defiantly and passionately, but his demands were just. Slavery was an evil in reality as well as in the Northern view, but all the appeals in the world to a "higher law" could not dispose of Constitutional obligations resting upon all the States alike, or displace the fact that the nullifying "personal liberty" laws of the Northern States

[1] Change of conditions as well as of sentiment was involved. See *ante*, p. 59, foot-note referring to the great number of slaves in some of the Northern States when the Constitution was adopted.

were a deliberate violation of the "compact" of Union. The Constitution might be regarded as a "covenant with hell," but nevertheless it stood and was to be obeyed until abolished or radically amended. Toombs, therefore, was supported by the facts when he exclaimed: "You will not regard confederate obligations—you will not regard Constitutional obligations —you will not regard your oaths!" But Toombs was not Georgia, and he had no right to declare that "we will trust to the blood of the brave and the God of battles" before the State had accepted that hazard by passing her ordinance of secession. Not to follow but to lead his State out of the Union was his evident determination.

Governor Brown also anticipated Georgia's action when, on January 2d, he ordered Colonel Lawton, of the First Regiment of the State militia, to take and hold Fort Pulaski at Savannah, which was done accordingly on the next day. In justification of this seizure of a United States fort, Governor Brown pointed to information received "on high authority" to the effect that the government at Washington had "decided on the policy of coercing a seceding State back into the Union"; but Georgia was not yet a seceding State, and would not be one if Alexander H. Stephens, Benjamin H. Hill, and ex-Governor Herschel V. Johnson, three of her ablest men, could prevent it. Governor Brown promptly notified the governors of Florida, Alabama, Mississippi and Louisiana by telegraph of what he had done, and "received strong endorsements of his course in reply and the intimation that his example should be immediately followed."[1]

[1] I. W. Avery, *History of Georgia*, p. 147.

This seizure of Fort Pulaski, without resistance on the part of the garrison and without the firing of a gun, three months and nine days before Fort Sumter at Charleston was shelled and taken by assault, seems to have escaped the notice of the average historian who begins the record of aggressive action with the latter event. The United States revenue cutter *Dobbin* was seized in the Savannah River by "unauthorized persons" on the same day, but this action was promptly disavowed by Governor Brown and by his order the vessel was surrendered to the United States collector of the port. Too little has been made of this incident of the capture of Fort Pulaski by order of a secessionist governor, for if the garrison had resisted even by no more than the firing of a few shots into the air, the war would have begun in Georgia instead of in South Carolina, and three months earlier.

The resolute character of Georgia's governor and his confiding belief in the sovereignty and independence of his State were again strikingly displayed a month later. On January 22, 1861, the New York police seized two hundred muskets that were about to be shipped to a firm in Macon and placed them in the State arsenal. Being appealed to by the Macon firm, Governor Brown telegraphed on February 2d to Governor Morgan, of New York, demanding that the guns be immediately given up to an agent in New York City, whom he appointed to receive them. There being no reply, Governor Brown on February 4th telegraphed to the operator at Albany to learn if his dispatch had been delivered, and was promptly informed that it had. Thereupon he telegraphed to Colonel H. R. Jackson to order out a sufficient military force

to seize and hold subject to his later instructions every ship in the harbor of Savannah belonging to citizens of New York. After issuing this order Governor Brown received a dispatch from Governor Morgan of an evasive character evidently intended to gain time for consideration. On February 8th Colonel Jackson seized three brigs, one schooner and one bark in the Savannah harbor. Governor Morgan was then officially informed of what had been done, and apparently there was an end of further hesitation.

On February 9th Governor Brown's agent in New York notified him that the guns had been placed subject to the order of the owners. The incident being closed, or so appearing, he at once ordered the release of the vessels that had been seized. But by this time the affair had been widely discussed, strong pressure was brought to bear on the governor of New York, and when the agent sought to take possession of the guns he was informed that they were not to be given up. Therefore on February 21st Governor Brown, greatly incensed, ordered another seizure of ships in the Savannah harbor, declaring that this time they should be held until the guns were on their way south. On February 25th he notified Governor Morgan that if they were not released and actually shipped from New York by the 25th of March the detained vessels would on that day be sold in Savannah to the highest bidder and the money employed to indemnify the owners of the unlawfully captured arms. One vessel, found laden with cotton belonging to British and Russian subjects, was released, but two others were held and their coming sale on March 25th was advertised in the newspapers. This produced the

desired effect, for on March 18th the news was received from New York that the guns had been finally surrendered and were then on the road to Georgia. Thus terminated this remarkable incident with the complete triumph of the Southern governor, who thereupon ordered the immediate release of the two ships.[1]

In the presidential election of 1860 the Unionists of Georgia were divided between Douglas and Bell, the Breckinridge platform attracting all inclined toward secession. The vote indicated a majority against disunion, but after the election of Lincoln the current set strongly the other way. Many county meetings were immediately held and resolutions, urging action, were adopted and sent to the General Assembly. The meeting at Savannah, under the lead of Francis S. Bartow, called for measures to arm the forces of the State. A convention of military companies resolved that "Georgia can no longer remain in the Union consistently with her safety and best interests," and endorsed the recommendation of Governor Brown that there should be an appropriation of a million dollars for military purposes. Many counties took no action, but of the more than forty that transmitted resolutions to the legislature, a large majority demanded secession. Some of the others, however, put forth "eloquent and prophetic appeals and pleas for union."[2] Greene County, for example, opposed any hasty action because the election of Lincoln was constitutional, because the South was not yet united, because it was right to give the North time to take action looking toward a redress of Southern grievances; because the masses of the

[1] I. W. Avery, *History of Georgia*, pp. 171–179.
[2] *Ibid.*, p. 135.

Southern people were not ready for secession, they were not ready for war, no serious effort toward reconciliation had been made, and they owed a duty to mankind to preserve the American republic and its genius; because a dissolution of the Union, even if proper, ought to be accomplished with soberness and deliberation and after all endeavors to preserve it had failed, including a State convention, and then a Southern convention which should temperately but firmly recall the North to its duty, and make a last, earnest and united effort to secure an equitable adjustment. The final utterance of these admirable resolutions read as follows:

"*Resolved*, That in view of the great and solemn crisis which is upon us, we request our fellow citizens to unite with us in prayer to Almighty God that He would deliver us from discord and disunion, and above all, from civil war and from bloodshed; and that He would so guide our counsels and actions that we may be able to maintain our rights without revolution."

The modern student marvels that even the most radical partisans in the delinquent Northern States were not ready to stop and listen to such noble and patriotic utterances as these, and, under their influence, to be induced to express a willingness to take the proper course. And their proper course was to annul their unconstitutional "personal liberty" laws and then work with all their might and main for the repeal of that provision of the Constitution which they had so long refused to obey.

Even the resolutions from some of the secession counties deprecated hasty action. Those from Dougherty,

for example, declared that "it would be monstrous if a single Southern State, without consultation and by separate action, should attempt to decide the great question that now presses upon the South, not only for herself, but for her remaining fourteen sister States." This "monstrous" thing is precisely what happened, but in view of the accepted theory of separate State sovereignty it was inevitable. Had South Carolina been less precipitate, it may be that concerted action could have been arranged, but this was perhaps too much to expect at a time when the public pulse was at fever heat. It is interesting to note that the resolutions of Richmond County were adopted in a courthouse, over which waved a white flag with a single star and this significant inscription thereon: "*Georgia—Equality in or Independence out of the Union.*"

Georgia's secession convention assembled on January 16, 1861. The result was already foreshadowed, for the vote for delegates showed an aggregate of 50,243 for and 37,123 against secession, giving a majority of 13,120, which was nearly 5,000 less than the 18,000 majority against disunion in Georgia in 1851, when Howell Cobb—now conspicuously in favor of the dissolution of the Union—was triumphantly elected governor on the anti-secession ticket. A few counties in the State were nearly unanimous for secession and no opposition candidate was put in the field. On the other hand, in Stephens's county of Taliaferro and in Tatnall not a vote was cast for secession. The convention has been described as the ablest that ever assembled in the State, its membership including nearly every leading public man in the commonwealth. Ex-Governor George W. Crawford presided. The chief

secession champions were Robert Toombs, T. R. R. Cobb, Judge Nisbet, Judge Reese, and Francis S. Bartow. Governor Joseph E. Brown and ex-Governor Howell Cobb, both secessionists, were invited to occupy seats on the floor. The leading unionists were Alexander H. Stephens, Benjamin H. Hill, ex-Governor Herschel V. Johnson, Alexander Means, and Linton Stephens, Judge of the Supreme Court of the State. The friends of the Union regarded it as unfortunate that the elder Stephens, Hill and Johnson went into the convention and fought the battle without a concerted plan. This, it is said, was due to the fact that Stephens and Hill had not been on speaking terms for years—not since 1856 when they quarreled bitterly and the latter refused to fight a duel with Stephens. In addition to this lack of union and counsel between these two leaders, Herschel V. Johnson, ordinarily a very able speaker, was not at his best. According to a story current in Georgia as late as 1904, his "lemonade" was tampered with by a secessionist agent. A dispatch from Crawfordville in 1893, when the Stephens monument was unveiled, signed by James Callaway, asserts that "secession was carried by log-rolling." But no such suggestions are needed in explanation of the defeat of the unionist cause in a convention with a clear majority of delegates virtually instructed for secession. There is no doubt that the unionists were discouraged from the outset, while the secessionists, conscious of strength, were confident and aggressive.

The convention was first addressed by commissioners from South Carolina and Alabama, explaining the attitude of those States and seeking coöperation in

the revolutionary movement. On January 18th Judge Eugenius A. Nisbet brought in a resolution "that in the opinion of this convention it is the right and duty of Georgia to secede from the Union." Ex-Governor Johnson, acting in concert with Stephens, offered a substitute proposing to delay the issue by inviting all the Southern States still in the Union, and "the independent republics of South Carolina, Florida, Alabama and Mississippi," to send delegates to a Congress at Atlanta on February 16, 1861, to consider the situation and determine a course of action. This resolution, which covered many points, agreed that Georgia should join the seceded States in resistance if an attempt to coerce them were made, and that if all efforts to arrive at an equitable adjustment failed she would engage to secede and join in forming a Southern Confederacy. In the debate the secessionists urgently contended that "we can make better terms out of the Union than in it"—and this single idea eloquently reiterated did more to carry the convention, in the opinion of Stephens, than all the other arguments combined. The answer of the unionists, as made by him, was that the time for such a radical and irrevocable step had not come.

"We should not," [he said] "take this extreme step before some positive aggression upon our rights by the general government, which may never occur; or until we fail, after effort made, to get a faithful performance of the Constitutional obligations on the part of those confederate States which now stand so derelict in their plighted faith. I have been, and am still opposed to secession as a remedy against anticipated aggressions on the part of the Federal Executive or Congress. I have held and do now hold that the

point of resistance should be the point of aggression. . . . I have ever believed and do now believe that it is to the interest of all the States to be and remain united under the Constitution of the United States, with a faithful performance by each of its Constitutional obligations. If the Union could be maintained on this basis and on these principles, I think it would be best for the security, the liberty, happiness, and common prosperity of all. I do further feel confident that if Georgia would now stand firm, and unite with the Border States to obtain a redress of those grievances on the part of some of their Northern confederates, whereof they have such just cause to complain, complete success would attend the effort—our just and reasonable demands would be granted. . . . My judgment is against the policy of immediate secession for any existing causes; but if the judgment of the majority of this convention, embodying as it does the sovereignty of Georgia, be against mine . . . I shall bow in submission to that decision."

The character of the debate on the secession side justified the later declaration of Toombs that "the question of slavery moved not the people of Georgia half as much as the fact that their rights as a community were insulted,"—adding: "There are tens of thousands of people in Georgia who do not own slaves, a very large portion of the people own none of them. But these [non-slaveholding] sons of Georgia are excelled by none of their countrymen in loyalty to their rights and to the honor and glory of the commonwealth."

After the debate the previous question was called and sustained, bringing before the convention Judge Nisbet's secession resolution, which passed by a vote

of 166 yeas to 130 nays. This was a significantly narrow majority, considering the boast of the disunionists that Georgia was united for secession. If Stephens's conservative and sound policy had prevailed in Georgia, if that important State had then undertaken the rôle of peacemaker, and her attitude had been supported by promised concessions on the part of the delinquent Northern States, it is probable that at least a temporary adjustment would have been reached. Georgia's action made certain a formidable confederacy, and the vote on Judge Nisbet's resolution decided the momentous question which was destined to influence the course of American history for many years and perhaps for a century. The fateful ordinance reported by the appointed committee and twice read before the convention was as follows:

"AN ORDINANCE

"To dissolve the Union between the State of Georgia and other States united with her under a compact of Government entitled the Constitution of the United States of America.

"*We the people of the State of Georgia, in Convention assembled, do declare and ordain, and it is hereby declared and ordained:*

"That the ordinance adopted by the people of the State of Georgia in convention on the second day of January, in the year of our Lord 1788, whereby the Constitution of the United States of America was assented to, ratified and adopted; and also all acts and parts of acts of the General Assembly of this State ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded and abrogated.

"*We do further declare and ordain*, That the Union now subsisting between the State of Georgia and other States, under the name of the United States of America,

is hereby dissolved, and that the State of Georgia is in full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State."

Benjamin H. Hill moved, as a substitute for the ordinance, the resolution that had been offered by ex-Governor Johnson. A vote followed of 133 yeas and 164 nays. The passage of the ordinance was then moved and the vote thereon was 208 yeas to 89 nays, showing that forty-four unionists had now turned to secession as the only possible course. Among these forty-four was Benjamin H. Hill, but Stephens, his step-brother Linton and ex-Governor Johnson voted against secession to the last. It was moved that all members of the convention, even those who voted against it, sign the ordinance as a pledge of "the unanimous determination of this convention to sustain and defend the State in this her chosen remedy." This motion was adopted, and on January 21st, the paper was signed by all the delegates (six of them under written protest) in the presence of the governor, the State officials, and a throng of spectators. No sooner had the ordinance been passed than the flag of the Union was lowered from the State Capitol and the white colonial flag of Georgia took its place. The news spread at once to the remotest corners of the State and everywhere there were uproarious expressions of popular excitement and satisfaction. Describing the effect of the passage of the ordinance in Milledgeville, the capital city itself, the Atlanta *Intelligencer* said :

"There was an exultant shout, and men breathed freer and looked nobler, and felt more like freemen who had burst the shackles that had enslaved them

for years. From the hall of the House of Representatives the news of the momentous event soon reached the vast and excited multitude outside, who had crowded to Milledgeville, most of them with the patriotic intent to urge upon the convention Georgia's right and duty to secede. The people shouted, the bells were rung, the cannon roared, the city was illuminated and great was the rejoicing."

And those who shook their heads and looked anxiously into the future were forgotten. The confidence of the home-keeping masses of the South in that section's success, in the event of war with the North, can be readily understood; but this attitude on the part of the wealthier, better informed and traveled element passes understanding. For it was to be a war between a relatively poor and undeveloped group of agricultural States and a rich and industrially advanced section with a white population four times as great, and which, moreover, had the advantage of controlling all the machinery of the Federal government. The leaders of secession made light of the prospect of war, and certainly it was to their interest to do so, whether they were perfectly sincere in this or not, whether they were or were not impressed by Stephens's warning that the Northern States would resist the disruption of the Union even to the extent of a protracted and bloody conflict.

Had the masses at the South believed war to be an inevitable result of secession, had they been gifted with an intelligent understanding of the great odds against them, they would probably have been more inclined to listen to the counsels of such conservative men as Stephens and to cast their votes accordingly.

The determination of a brave people to seek their independence at all hazards and against all odds is comprehensible, but the light-hearted confidence of a majority of the Southern people can only be set down to ignorance of the true conditions, to a misguided underestimate of the determination as well as of the resources of their opponents, and to the persuasions of leaders who were either less sure of ultimate success than they appeared to be or were singularly deluded.

CHAPTER XI

SEVENTY YEARS OF DISUNION

It is appropriate at this point to depart from the current of events long enough to consider the theory of the right of secession, so firmly upheld even by Southern unionists such as Alexander H. Stephens. Indeed, it is necessary to do this, if we would understand either the character and course of Stephens or the secession movement of 1860–61. Without such an inquiry this volume would be incomplete, for not less than half of Stephens's *Constitutional View of the War Between the States*, his most important historical work, is devoted to a defense of the secession of the Southern States. Our space will not permit even an outline of his constitutional argument, but we may note some of the historical facts which he presents in support of his view as well as a number of others brought to light after his time which he would have been glad to employ for that purpose.

The theory of the right of nullification and secession was widely and tenaciously held from the beginning, being based on the State sovereignty idea which was at one time universal. The Constitution itself was an unavoidable compromise, and as such provided for a division of sovereignty between the States and the Federal government which the States created. No observant reader of the debates in the convention which adopted the Constitution, and in the State con-

ventions which ratified it, is surprised at the tendency manifested in all sections from time to time for seventy years to assert the right of States to nullify national enactments and even the right to sever their relations with the Union whenever self-interest seemed to favor such a course.

Prior to the war with Great Britain the thirteen colonies were no further connected than merely as common dependencies of the mother country. They were established at different times, and some were known as provincial, some as proprietary, and some as charter colonies. A species of confederation of some of the New England colonies was formed for mutual protection in 1643, but it was dissolved forty years later.[1] The colonies revolted against and engaged in war upon Great Britain at the same time, but they acted separately, adopted separate constitutions, appointed officers for the administration of government in all its departments, legislative, executive, and judicial; and the people of each colony were chiefly concerned for the defense of their own territory, being with difficulty persuaded to fight on any other soil. This was one of the most serious and disheartening problems that faced General Washington during the war. In 1778, however, the colonies entered into a formal league and adopted Articles of Confederation, whereby they agreed to intrust the administration of this league's affairs to a common agent which took the form of a congress. The first article declared that "each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly dele-

[1] Bancroft, *History of the United States*, Vol. II, p. 127.

gated to the United States in Congress assembled." The treaty of peace signed by Great Britain in 1783 mentioned the thirteen colonies by name and acknowledged them to be "free, sovereign and independent States."

Eleven States ratified the Articles and entered the Confederation in 1778. Delaware did not come in until 1779, and Maryland not until 1781, five years after the Declaration of Independence and when the war was near its end. These latter surely exercised the deliberation of independent States, notwithstanding Judge Story's remarkable theory that the people of the revolting colonies formed a nation even before the adoption of the Articles of Confederation. According to another authority, writing in 1854, "the parties to this instrument were free, sovereign political communities, each possessing within itself all the powers of legislation and government which any political society can possess." [1] Motley, in 1861, also took this view of the Confederation, although he contended that the league became a nation when the States ratified the Constitution. "The Continental Congress," says he, "which was the central administrative board during this epoch, was a diet of envoys from sovereign States. It had no power to act on individuals. It could not command the States. It could move only by requisitions and recommendations. . . . We were a league of petty sovereignties." [2] If we accept this as true, we must also accept Stephens's assertion that the Declaration of Independence was a joint act of all the colonies; that the

[1] *Curtis on the Constitution of the United States*, Vol. I, p. 142.
[2] *The Rebellion Record* (Putnam, 1861), Vol. I, p. 210.

Congress that made it was a congress of States as States; that the Declaration "was made by the people of each colony, for each colony, through representatives acting by the paramount authority of each colony separately and respectively."[1] Massachusetts instructed and empowered her delegates so to act in January, 1776; South Carolina in March; Rhode Island and Virginia in May; New Hampshire, Connecticut, New Jersey and Maryland in June. The instructions from Pennsylvania and New York did not arrive until after July 1st, and not until full powers had been received from all the States was the Declaration given to the world on the fourth of that month.[2]

In this connection Stephens cites Peters's *Condensed Reports* to show that in 1805 the Supreme Court of the United States, in the case of McIlvaine *vs.* Coxe, held that "on the fourth of October, 1776, the State of New Jersey was completely a sovereign, independent State . . . [with the] right to compel the inhabitants of the State to become citizens thereof"; and that Chief-Justice Marshall, in the case of Gibbons *vs.* Ogden, in 1824, described as "true" the assertion that the States, prior to the adoption of the Constitution, "were sovereign, were completely independent, and were connected with each other only by a league."[3] The argument that this "league" was a nation is clearly no more than the afterthought of partisans. The argument that the Constitution later

[1] Stephens, *A Constitutional View of the War*, Vol. I, p. 67.
[2] Bancroft, Vol. VIII, pp. 449, 450, 475.
[3] Stephens, *Constitutional View*, Vol. I, pp. 76, 80. Peters's *Reports*, Vol. V, p. 565.

formed and adopted for the sake of a "more perfect Union" changed the original independent status of the States has a much less attenuated basis. If the States were sovereign and independent when they adopted the Articles of Confederation, and if these articles made them only a "league," as Chief-Justice Marshall and many other authorities held, they were sovereign and independent when they ratified the Constitution. The question is, therefore, did they by such ratification transfer sovereignty to the central government and give up their independence entirely, or only in part, or did they merely confer certain powers on the central government and reserve paramount powers to themselves?

The debates at the time and for seventy years afterward show that this question was never fully, definitely and finally answered until the issue of the war of 1861–5 was known. Throughout that period leading statesmen contended for the paramount powers of the central government, while other, and apparently a larger number of prominent statesmen contended for the paramount powers of the States, each party being able to point to facts of history and to utterances of the Constitution which seemed to confirm their view. The Constitution—a compromise of opposing factions—gave more power to the Federal government than some of the State leaders believed it did, or were willing to yield, while, on the other hand, it gave less than other State leaders desired it to give and less than they thought would be necessary for a government that could live.

Thus Patrick Henry, who saw national features in the Constitution, warned the Virginians of "the awful

immensity of the dangers with which it is pregnant." [1] He went so far as to say that "it squints toward monarchy," [2] and urged the people of his State in the ratifying convention to be "extremely cautious, watchful, jealous of your liberties; for instead of securing your rights you may lose them forever." And further: "What right had they to say, '*We, the people*'? Who authorized them to speak the language of '*We, the people*' instead of '*We, the States*'? If the States be not the agents of this compact, it must be one great consolidated National Government of all the States." [3] In vain did Edmund Pendleton, president of Virginia's ratifying convention, who favored the Constitution, answer that, if necessary, "we will assemble in convention, wholly recall our delegated powers, or reform them so as to prevent such abuse," and further urge: "There is no quarrel between government and liberty; the former is the shield and protector of the latter." [4] In vain did John Marshall recall "the maxim that those who give may take away." [5] In vain did Governor Randolph declare that "every power not given it [the Federal government] by this system is left with the States." [6] In vain did Madison urge that "the powers of the general government . . . are but few . . . which will be exercised mostly in time of war." [7] Patrick Henry did not believe that it would be so easy to take back what had been once given away, particularly when, as he was convinced, so much was given; and, supported by George Mason, he remained the Cassandra of Virginia's great ratify-

[1] *Elliot's Debates*, Vol. III, p. 625. [2] *Ibid.*, p. 58.
[3] *Ibid.*, pp. 21–22. [4] *Ibid.*, p. 37.
[5] *Ibid.*, p. 233. [6] *Ibid.*, p. 203. [7] *Ibid.*, pp. 259-60.

ing convention. It was to pacify him and other fearful State patriots that at the first Congress in 1789 ten amendments to the Constitution were adopted, the tenth declaring that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Unlike Patrick Henry, Alexander Hamilton thought the Constitution gave the Federal government powers so limited that the system based thereon could not endure. In this particular he regarded that instrument as radically defective. "Perhaps," he said, writing to Gouverneur Morris in 1802, "no man in the United States has sacrificed or done more for the present Constitution than myself; and contrary to all my anticipations of its fate, as you know, from the beginning, I am still laboring to prop the frail and worthless fabric."[1] He plainly thought the Constitution no very great improvement on the Articles of Confederation.

After a careful comparison of the two instruments, Stephens concludes that there were but two important additional powers delegated by the States, through the Constitution, and these were "the power to regulate trade with foreign nations and between the States" and "the power to lay taxes directly upon the people of the several States, or to raise revenue by levying duties upon imports, without resorting to requisitions upon the States."[2] There was, however, still another important change, which Jefferson in a letter to Madison from France in 1786 thus suggested: "To enable

[1] *Hamilton's Works*, Vol. VI, p. 530.
[2] Stephens, *A Constitutional View*, Vol. I, p. 88.

the Federal head to exercise the powers given it to the best advantage, it should be organized as the particular ones [State governments] are, into Legislative, Executive and Judiciary."[1] An examination will show that the powers granted the Confederation were really extensive and that its weakness resulted less from what was lacking in this respect than from the jealousies of the States and their unwillingness to recognize Congressional rulings as binding. Stephens cites *Elliot's Debates* as authority for the significant fact that Congress appealed in vain to the States in 1781, 1783 and again in 1784 for power to levy duties on certain imports, and that not until Madison took up the project in the Virginia Assembly in 1785–6 did it have any prospect of success.[2] Virginia's recommendations led to a convention, at Annapolis in 1786, of commissioners from five States who proposed a general convention of all the States at Philadelphia in the following year "to devise such further provisions as shall . . . render the Constitution of the Federal government adequate to the exigencies of the Union."[3] Not until after all this did Congress "resolve," in February, 1787, that in its "opinion" it was "expedient" that all the States send delegates to the proposed convention "for the sole and express purpose of revising the Articles of Confederation." Thus was brought about the memorable convention that produced our present Constitution.

It is interesting to note that Georgia's commissions to the six delegates, William Few, Abraham Baldwin,

[1] *Jefferson's Complete Works*, Vol. II, p. 66.
[2] *Elliot's Debates*, Vol. I, pp. 92, 93, 111.
[3] *Ibid.*, p. 118.

William Pierce, George Walton, Nathaniel Pendleton, and William Houston, appointed to attend the convention of 1787 "for the purpose of revising the Federal Constitution," all begin as follows: "The State of Georgia, by the grace of God, *Free, Sovereign and Independent*—To the Hon. William Few, Esq.," etc., etc. And they are signed by Governor Matthews "under his hand and our great seal, the 17th day of April, in the year of our Lord 1787, and of our Sovereignty and Independence the eleventh." [1] Governor Clinton signed the commission of New York's delegates "this ninth day of May, in the eleventh year of the Independence of the said State." Governor Livingston of New Jersey signed "the 23d day of November in the year of our Lord 1786, and of our Sovereignty and Independence the eleventh." Thomas Collins, "President, Captain-General, and Commander-in-Chief, of the Delaware State," quotes in his proclamation an act appointing delegates "in the eleventh year of the Independence of the Delaware State," but signs "in the 11th year of the Independence of the United States of America." Massachusetts and South Carolina are the only other States whose governors signed "in the 11th year of the Independence of the United States of America" instead of in the eleventh year of State independence.

This claim of independence continued in the language of State documents even after the Constitution had been adopted and the Union formed. For example, a letter of Governor Clinton of New York, dated April 2, 1790, transmitting an act ratifying

[1] *Documentary History of the Constitution*, Vol. I, p. 43; also *Elliot's Debates*, Vol. I, pp. 126, 138.

certain amendments to the Constitution, begins: "The people of the State of New York, by the Grace of God, Free and Independent," etc.[1]

The Governor of North Carolina signed "in the eleventh year of our Independence." New Hampshire's act "to enlarge the powers of Congress" begins, "Whereas, in the formation of the Federal Compact, which frames the bond of union of the American States," etc. The majority of the twelve States responding refer to the Articles of Confederation as "the Federal Constitution," and all speak of revision as the object of the convention.

No purpose of an absolute departure from the general plan already existing is anywhere suggested, and a comparison of the Articles with the Constitution will show that no absolute alteration in the status of the States was effected by the latter's adoption. The Constitution joined the loosely bound States more closely together, by putting the Federal system into better shape, but did not make them a nation. Nationality, as we now have it, was a gradual growth. The nationalists of 1787 were defeated, nominally at least, and this explains Hamilton's description of the Constitution as "a frail and worthless fabric." For example, the word "national" itself was stricken out of the resolutions. Governor Randolph, of Virginia, a strong nationalist, "*Resolved*, That a National Government ought to be established, consisting of a supreme Judicial, Legislative and Executive," but this was not finally accepted until on motion of Mr. Ellsworth, of Connecticut, it read as follows: "*Resolved*, That the Government of the United States

[1] *Documentary History of the Constitution*, Vol. II, p. 357.

ought to consist of a Supreme Legislative, Judiciary and Executive." [1] And it was explained to those who made objection that there would be supremacy only as to "the powers intended to be granted to the new Government." [2] That the Constitution caused no very great change in existing conditions was clearly believed at the time. "If the new Constitution be examined with candor," wrote Madison, discussing this point, "it will be found that the change which it proposes consists much less in the addition of new powers to the Union than in the invigoration of its original powers." [3] Roger Sherman and Oliver Ellsworth, in their letter to the governor of Connecticut transmitting a copy of the "new Constitution," stated that "some additional powers are vested in Congress," but that "those powers extend only to matters respecting the common interests of the Union, and are specially defined so that the particular States retain their sovereignty in all other matters." [4]

There is not a great deal, aside from a few phrases in the Constitution itself, to support the theory that that instrument transferred (and that the Americans of 1787 understood it to transfer) power from the people of the States to the people of the country at large. "The assent and ratification of the people," explained Madison, "not as individuals composing an entire nation, but as composing the distinct and independent States to which they belong, are the sources of the Constitution. It is therefore not a national but a federal compact." There has been such a transfer in effect, but it came through a century of gradual

[1] *Elliot's Debates*, Vol. I, p. 183. [2] *Ibid.*, p. 392.
[3] *The Federalist*, No 44. [4] *Elliot's Debates*, Vol. I, p. 491.

nationalization of sentiment. How great has been the change in a century is illustrated by the fact that at the outset State offices were generally regarded as superior in dignity to national. It was in consequence of this that Governor Hancock, of Massachusetts, insisted that he himself must receive the first visit of state when President Washington, making a tour of the country, visited Boston. "We, the people of the United States," is one of the phrases of the Constitution that seem to indicate an immediate transfer of power from the people of the separate States to the people of the Union as a whole. It is therefore both an interesting and a significant fact that the opening of the preamble, as originally adopted, read: "We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia . . . do ordain, declare and establish the following Constitution," etc.[1] Stephens points out that a sub-committee on style made the change to the present form and that the convention agreed to it for the obvious reason that in the absence of any positive assurance that all the States would ratify and become parties to the Constitution, it was inappropriate to set forth their names in advance. Article VII provided that the Constitution should go into effect if as many as nine States ratified it. Eleven ratified it more or less promptly, while North Carolina and Rhode Island hesitated for two years.

It is quite clear that the people of 1787 understood the term, "United States" *literally*, without any

[1] *Elliot's Debates*, Vol. I, p. 224 (Lippincott edition, 1881).

of the consolidated nation idea afterward put into it. Nor is it likely that many of them read into the "paramount" clause of the Constitution the full meaning afterward attached thereto. The clause reads: "This Constitution and the laws of the United States made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or the laws of any State to the contrary notwithstanding." There were those who feared this clause, and they had to be pacified in order to secure the ratifications of a sufficient number of States. Hamilton labored hard with them before the convention of New York. He was a "nationalist" of the most extreme type and would have been glad to believe that this clause took ultimate sovereignty away from the States, but if he so believed, he dishonestly sought to convey a different impression. He explained that this clause "expressly confines supremacy to the laws made pursuant of the Constitution"[1] and described any other view as "sophistry." In the twenty-seventh number of *The Federalist* he even referred to the Union under the Constitution as a "Confederacy." It was precisely because he believed that the authority of the central government was unhappily restricted within the sphere of its delegated powers that he spoke as late as 1802 of the government established by the Constitution as "a frail and worthless fabric." Far-seeing Patrick Henry, however, had good reason for his conviction that certain utterances of the Constitution were elastic

[1] *The Federalist*, No. 31.

and susceptible of interpretations different from those given them by the ratifying States, although it concluded with the significant, "Done in convention by the unanimous consent of the *States* present," although it provided a Senate with two representatives from each State irrespective of population, although it directed that the President be chosen through votes for State electors, and although the entire proceedings indicated the fact that the people of the whole land were not acting collectively but that the States acted as States; as, for example, where the original records read: "Monday, July 28, 1788. Congress assembled. Present New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia."[1] In this and all other instances, so far as noted, the *States*, not the representatives thereof, were recorded as present and acting.

The leading purpose of the arguments presented in the ratifying conventions of the States, so far as these have been preserved, seems to have been to convince the fearful that the States still retained ultimate sovereignty. In the Pennsylvania convention, James Wilson said: "As to the first [objection], that it is a Consolidated Government, that it puts the thirteen United States into one—if it is meant that the General Government will destroy the Governments of the States, I will admit that such a Government would not suit the people of America. It would be improper for this country. . . . But that description does not apply to the system before you."[2] Oliver Ellsworth said in

[1] *Documentary History of the Constitution*, Vol. II, p. 204.
[2] *Elliot's Debates*, Vol. II, pp. 481–2, 502, 503.

Connecticut's convention: "This Constitution does not attempt to coerce sovereign bodies, States, in their political capacity."[1] Massachusetts' convention recommended certain amendments to the Constitution in order to "quiet the apprehensions of many good people of this commonwealth," and the language employed clearly implies that the "new Constitution" was regarded as "a solemn compact" of union between the States.[2] In the discussion Fisher Ames said: "The senators will represent the sovereignty of the States. . . . They are in the quality of ambassadors of the States."[3] Samuel Adams said, speaking favorably of a demand made by John Hancock and others, which was afterward met by the tenth amendment to the Constitution, reserving to the States all the powers "not delegated": "It removes a doubt which many have entertained and gives assurance that, if any law made by the Federal Government shall be extended beyond the power granted by the proposed Constitution and inconsistent with the Constitution of this State, it will be an error, and adjudged by the courts of law to be void. It is consonant with the second article in the present Confederation that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled."[4] South Carolina's convention declared "that no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinquished by them and vested in the General Government of the

[1] *Elliot's Debates*, Vol. II, p. 197. [2] *Ibid.*, Vol. I, pp. 322–3.
[3] *Ibid.*, Vol. II, pp. 11–45. [4] *Ibid.*, Vol. II, pp. 130–131.

Union." [1] Nevertheless, the prophetic soul of Rawlins Lowndes was troubled and he declared that he wished for no other epitaph than, "Here lies the man that opposed the Constitution because it was ruinous to the liberties of America." [2]

Reference has already been made to Patrick Henry's objections in the Virginia convention and the reassuring responses of John Marshall, Edmund Pendleton, and others, to the effect that if necessary the mother of States would recall her delegated powers. Laboring to quiet apprehension in New York's convention, Hamilton said: "The State Governments possess inherent advantages which will ever give them an influence and ascendency over the National Government and will forever preclude the possibility of Federal encroachments." [3] He also described a proposition to coerce the States as "one of the maddest projects ever devised." [4] New York finally voted ratification on the declared premise that "the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness." [5]

After considering the action of the several State conventions and the debates therein, Alexander H. Stephens reached this conclusion:

"While many apprehended danger to the sovereignty of the separate States from *constructions* and *implications*, yet on all hands it was *universally* admitted that it purported to be a Federal Constitution; and it was with this *avowed understanding of its nature* by every *advocate* and *supporter* it had in every State

[1] *Elliot's Debates*, Vol. I, p. 325.
[2] *Ibid.*, Vol. IV, p. 311.
[3] *Ibid.*, Vol. II, p. 239.
[4] *Ibid.*, Vol. II, pp. 231–3.
[5] *Ibid.*, Vol. I, pp. 327–9.

of the Union, even by Hamilton, Morris, Wilson, King, Madison and Randolph, who had favored a National Government proper, in the Federal convention, instead of the plan embodied in the Constitution. The leading idea in all the conventions was that a Confederate Republic was to be established by it upon the model set forth in Montesquieu. According to that model, an artificial State is created for Foreign or National, as well as inter-State purposes, and these only, by several small Republics, thus confederating for their common defense and happiness; each retaining its separate sovereignty, and the artificial State so created by them being, at all times, subject to their will and power. That this artificial State so created may be dissolved, and yet the separate Republics survive, retaining at all times their State organization and sovereignty. . . . Is it not clear that the United States are, or constitute, a Confederated Republic (as Washington styled it),[1] bound together by the solemn Compact of Union, entered into by the several members thereof under the Constitution? . . . Is not the Constitution, as appears not only from the history of its formation but from its face, a compact between sovereign States?"[2]

It may be justly observed that the powers of such a confederated republic would be too restricted for the legitimate purposes of successful government, and that no such republic could long endure. But it may with equal propriety be remarked that this was precisely the weakness in the government of the United States of America, as at first constituted, and even until the issue of the war of 1861–5 was known and accepted, when the assertion of State sovereignty was made for

[1] Washington also spoke of it as "the new Confederacy" in his letter to Chas. C. Pinckney, June 28, 1788.—*Washington's Writings*, Vol. IX, pp. 389–90.

[2] Stephens, *Constitutional View of the War*, Vol. I, pp. 296–7.

the last time and the national government finally became supreme, although the form, and, in purely State affairs, the substance, of our dual system remained. Even then the national government triumphed and State sovereignty breathed its last breath only because the more powerful States found it to their interest to sustain the central authority. Stephens's general conclusion, so far as early conditions were concerned, cannot be successfully assailed. The debates indicate that a similar view predominated when the Constitution was adopted, and subsequent events can be explained in no other way. Nullification having been the rule under the first Confederation, and the States of the Union still regarding themselves as sovereign, the spirit of nullification continued to flourish and produced many overt acts as time passed. For seventy years there existed a marked tendency to assert the right of States to nullify Congressional enactments and even to sever their relations with the Union.

The first of these, of considerable importance, occurred in 1798–9, and in Virginia and Kentucky took the shape of nullification resolutions. These interesting declarations were aimed particularly at the Alien and Sedition acts, but were the result of many mistakes of the Federalists while in power, including the high-handed behavior of President John Adams, who recklessly cast free-tongued citizens into prison in a misguided effort to suppress criticism. Free-spoken printers and editors were among those prosecuted for sedition.[1] These and similar unwarranted assumptions of

[1] For example, Thomas Cooper dared to say in 1797 that President Adams was "hardly in the infancy of his political mistakes." For such "sedition" he was imprisoned six months and fined $400.

power led the Virginia Assembly to adopt resolutions calling on the States to nullify the enforcement of the sedition laws. The resolutions set forth that Virginia would support the general government in all measures warranted by the Constitution, but that "this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government, as resulting from the compact to which States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties, appertaining to them." The resolutions further declared the Alien and Sedition laws unconstitutional, and Virginia invited the other States to coöperate in resisting them, "in order to maintain unimpaired the authorities, rights and liberties reserved to the States respectively, or to the people." Madison drew up these resolutions, and they also expressed the views of Patrick Henry, Jefferson, Mason, and many other prominent Virginians.

Kentucky's resolutions, which were drafted in the

Matthew Lyon, a Congressman of Vermont, in the course of a stump speech in a campaign for reëlection, attributed to Adams an "unbounded thirst for ridiculous pomp, foolish adulation, and a selfish avarice." For this he was cast into jail, kept there four months and compelled to pay a fine of $1,000. Nearly half a century later, in 1840, Congress refunded the amount of this fine with interest to Lyon's heirs.

main by Jefferson, declared, in brief, that when powers were assumed by the central government which had not been granted by the States, "nullification is the rightful remedy"; and that "every State has a natural right in all cases not within the compact (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits." The hope was expressed that "the co-States, recurring to their natural right in cases not made Federal, will concur in declaring these acts void," and that each "will take measures of its own for providing that neither these acts, nor any others of the general government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories."

In New York and New England, where the influence of the Federalist party (now in control of the general government) was predominating, there was no favorable response to these resolutions, but John Adams described the position of "the whole South and West as menacing." Federalist New England now attributed disloyalty to Virginia whose ablest men had in 1787 sought to strengthen the hands of the general government. A few years later when Jefferson's Republican party succeeded to power, the situation was reversed. Jefferson's electors, at a dinner at Swan Tavern, Richmond, toasted the Union and hurled the charge of "treason" at the New England Federalists who were then plotting the establishment of a separate Northern Confederacy, although they, when it suited them later on, posed as devout Unionists and invented the abstract distinction between "the people" and the State governments, obscuring the real truth that the

Constitution was accepted with reservations by "the people" in their organic capacity as separate States, each claiming individual sovereignty.

The Federalists desired a stronger central government than that "frail and worthless fabric," the Constitution, permitted them to have, and their ideal was in essence aristocratic class rule. It was this that caused Madison to part company with Hamilton, who, like all the Federalist leaders, abhorred and distrusted democracy as (to quote Cabot) "the government of the worst." At a banquet in New York Hamilton exclaimed: "The people! Gentlemen, the people are a great Beast!" The time had come, however, when the large majority of the people were ripe for democracy. This explains the triumph and long lease of power of Jefferson's Republican (Democratic) party, which was execrated by the New England Federalists precisely for the reason that it was the party of human rights, home rule, self-government, and individualism, as opposed to autocratic and paternalistic government. Barring the accidental defense of slavery in later times, inevitable under the circumstances, it may be said that the party of Jefferson lived up to its ideals to a very considerable extent and was of immense service to this country in banishing the government-ridden and government-stifled conditions similar to those of Europe which were fast taking root under Federalist rule.

Partly their hatred of Jefferson's democracy and partly the ineradicable idea of State sovereignty brought about the attempt of leading Federalists to form a separate Northern Confederacy in 1803–4. Associated in the movement were Timothy Pickering,

Fisher Ames, George Cabot, and Theophilus Parsons, of Massachusetts, Roger Griswold, of Connecticut, William Plumer, of New Hampshire, and other prominent New England Federalists. When his coöperation was invited, Hamilton wrote rather discouragingly to Sedgwick, thus: "Dismemberment of our empire will be a clear sacrifice of great positive advantages without any counterbalancing good; administering no relief to our real disease which is democracy." [1] His ambitions were too far-reaching to permit him contentment as a leader in a mere Northern half of the "empire." Later, however, he consented to attend a secessionist meeting of Federalists in Boston, but this was prevented by his untimely death in the summer of 1804.[2] The more enthusiastic Pickering wrote to Stephen Higginson, December 4, 1803: "I will not yet despair. . . . There will be a separation. The British provinces, even with the assent of Britain, will become members of the Northern Confederacy." [3] He believed that the proposition "would be welcomed in Connecticut, and could we doubt of New Hampshire? New York must be associated. She must be made the centre of the Confederacy. Vermont and New Jersey would follow of course." But Roger Griswold ventured the astute opinion that "the magnitude and jealousy of Massachusetts will render it necessary that the operation shall begin there." Pickering did not "know of *one reflecting* Nov-Anglian who is not anxious for the

[1] *Hamilton's Works*, Vol. I, p. 568; Lodge's *Life of George Cabot*, p. 438.

[2] C. F. Robertson, *The Louisiana Purchase in Its Influence on the American System* (*Papers Am. Hist. Ass'n.*, Vol. I, pp. 262–263).

[3] Lodge, *Life of Cabot*, p. 441.

Great Event."[1] George Cabot thought the time was not yet ripe; "a separation now is impracticable." But Griswold wrote warningly to Wolcott: "Whilst we are waiting for the time to arrive in New England, it is certain that the Democracy is daily making inroads on us." The leaders hesitated, unable to agree.

In all the plotting there is no evidence that anybody questioned the right of the Northern States to secede. The objections were only on the ground of practical difficulty, owing to the growth of Jefferson's party even in New England. Its growth was enough to give the Federalist secessionists pause, for in the election of 1804 Jefferson carried every State in the Union except Connecticut and Delaware. Writing his *Life of George Cabot* (president of the Hartford Convention) in the year 1877, Henry Cabot Lodge (now Senator Lodge) observes: "The men who were prominent in 1804 had formed our present Union from pure motives of policy and they regarded separation in exactly the same way. The individuality and separate existence of the States were quite as familiar to them as the conception of the Union."[2] This is an accurate description of the dominant attitude in the South in 1860. "The tone," adds Lodge, "in which the men of that day discussed the question of a dissolution of the Union is one that may well startle the present generation which has passed through a great civil war and has learned to consider the mere mention of separation as the blackest treason."[3] Lodge's own "tone" is not dissimilar. He does not speak of the plot to form a Northern Confederacy as "rebellion"

[1] Lodge, *Life of Cabot*, p. 449. [2] *Ibid.*, p. 440.
[3] *Ibid.*, p. 440.

or "treason," but as the "separatist scheme." In excuse for his ancestor and the other intending secessionists he says that "the success of Jefferson was a revolution"[1] and it is not to be wondered at that the New England Federalists should wish to flock to themselves. But the election of Jefferson was less a revolution than the election of Lincoln. Speaking of the action of the Hartford Convention a few years later, Lodge says it must be remembered that the question of nullification and secession "was then an open one."[2] It has been shown in earlier pages of this volume that it was regarded as an open question by the legislature and governor of Massachusetts as late as 1845. Why was it not still an open question in 1860, no new Constitution or other pledge of nationality having been either provided or adopted since 1787?

The next attempt to break up the Union, that of Aaron Burr, was a conspiracy pure and simple, into which the State sovereignty idea did not appreciably enter, and it therefore has no place in this review. The nullification and secession sentiment in New England only smoldered. It flamed up again under the unpopular embargo in 1808 and again during the unpopular War of 1812. John Quincy Adams testified that the Essex Junto planned a convention to consider secession, the movement of 1803-4 taking on new life in 1808. In his second letter to the thirteen Boston gentlemen he declared that the old plot was never abandoned, but was revived in 1808 and again in 1814, and that "the Hartford Convention was the culmination of this conspiracy and was intended as a

[1] Lodge, *Life of Cabot*, p. 422. [2] *Ibid.*, p. 520.

preliminary step to the attainment of the object of the conspirators, a dissolution of the Union." [1] In 1811 Josiah Quincy, member of Congress from Massachusetts, in opposing the admission of Louisiana as a State, boldly announced on the floor of the House that "if this bill passes, the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation; amicably if they can, violently if they must." [2]

Even young Daniel Webster, who in after years in his debates with Hayne and Calhoun so emphatically denied the right of nullification and secession, at this period shared in the prevalent belief that the States were independent of the general government. In his speech on the conscription bill in the House on December 14, 1814, he threatened defiance of the central authority on the part of Massachusetts and intimated that if driven to it his State would secede. He opposed the War of 1812, and especially the conscription bill, declaring that the fate of the Union rested on the issue. "It will be the solemn duty of the State governments," he declared, "to protect their own authority over their own militia and to interpose between their citizens and arbitrary power." [3] When Webster "threatens that the State government will interfere," pointedly observes Professor Van Tyne, "we wonder if Hayne and Calhoun went any further." [4] At

[1] Lodge, *Life of Cabot*, pp. 412-13.
[2] Edmund Quincy, *Life of Josiah Quincy*, p. 206.
[3] C. H. Van Tyne, *Letters of Daniel Webster*, p. 67.
[4] *Ibid.*, p. 31.

Rockingham, N. H., Webster offered this resolution: "We shrink from the separation of the States as fraught with incalculable evil. If a separation should ever take place it will be when one portion of the country undertakes to control, to regulate and to sacrifice the interests of another." The secessionists of 1860–61 might well have pointed to this as a true prophecy of the *raison d'ètre* of their own hazardous undertaking. As one of the leading Federalists of New England, Webster was included in the charge of John Quincy Adams that those leading Federalists from 1807–8 down to the close of the War of 1812 were plotting to sever their section from the Union. It has recently been brought to light that in 1828 Daniel Webster prosecuted Theodore Lyman, of Boston, for libel because the latter had charged that he had taken part in the plot to dissolve the Union in 1807–8. The jury was unable to agree on a verdict and the case was dismissed. The connected fact of greatest interest is that Samuel Hubbard, who defended Lyman, and who later became a Justice of the Supreme Court of Massachusetts, argued that it was "not libelous" to make such a charge, because: "A Confederation of the New England States to confer with each other on the subject of dissolving the Union was no treason. *The several States are independent* and not dependent. *Every State has a right to secede from the Union* without committing treason." [1]

At the time of the Hartford Convention in 1814 New England was virtually an open enemy of the Washington government and the Boston *Centinal* made no mis-

[1] Josiah H. Benton, *A Notable Libel Case*, pp. 90-103 (Goodspeed, Boston, 1904).

take when it declared that the Union was as good as dissolved. Resolutions were sent to the Massachusetts legislature from the town of Newberry in Pickering's district pledging "the sacrifice of our lives and property in support of whatever measures the dignities and liberties of this free, sovereign and independent State may seem to your wisdom to demand." In the Hartford Convention were twelve delegates from Massachusetts, seven from Connecticut, four from Rhode Island, two from New Hampshire and one from Vermont, and "they represented a majority of the people of their respective States." [1] To make a separate and special treaty with England, as well as to secede, had already been publicly proposed,[2] but the convention itself discreetly sat behind closed doors and complete records are not obtainable. John Quincy Adams charged that the journal preserved did not contain a full account and that the "twenty-seven written pages" mentioned by George Cabot were insufficient as a report of such a convention. The convention is certainly known to have reported that "if the Union be destined to dissolution, some new form of Confederacy should be substituted among those States which shall intend to retain a federal relation toward each other;" that "separation by equitable arrangement is preferable to an alliance by constraint among nominal friends but real enemies, inflamed by mutual hatred and jealousy, and inviting by intestine division, contempt and aggression from abroad;" but that "a severance of the Union by one or more States, especially in time of war, can be justified only by absolute necessity."

[1] Lodge, *Life of Cabot*, p. 507. [2] *Ibid.*, pp. 516-17.

Even in his apology, Lodge admits that the men of the Hartford Convention "intended to coerce the Administration by threatening them with separation." [1] At the best it is clear that New England in its convention at Hartford threatened the general government, when that government was embarrassed and engaged in a foreign war, with secession to follow existing nullification. John Quincy Adams charged that the leaders both then and in 1807–8 were in communication with Great Britain,[2] and the hostile spirit was betrayed in the refusal of both Governor Strong of Massachusetts and Governor Griswold of Connecticut to send the troops first called for in 1812.[3] Vermont also in 1813 refused to send troops in response to the urgent call from Washington. Pickering unblushingly wrote: "If the British succeed in their expedition against New Orleans, I shall consider the Union as severed." [4] But the British were beaten at New Orleans and peace was soon declared. Had the result been otherwise, all the facts indicate that the New England States would have promptly cut themselves loose from the Union and made a separate and humiliating peace with Great Britain. New England's trade interests suffered seriously during the war and afterward, but that section now received little sympathy. According to Adams, "so discredited was Massachusetts that she scarcely ventured to complain; for every complaint by her press was followed by the ironical advice that she call another Hartford Convention." The very name of "Yankee" became a by-word.

[1] Lodge, *Life of Cabot*, p. 518. [2] *Ibid.*, pp. 412–413.
[3] *Ibid.*, p. 513.
[4] Powell, *Nullification and Secession in the United States*, p. 221.

Among other instances of early nullification and the assertion of State sovereignty may be mentioned the "Whiskey Rebellion" in Pennsylvania, where for three years the excise law was successfully resisted. In 1809 the Governor of Pennsylvania ordered out the State militia and prevented a process of the Supreme Court of the United States. In 1793 the Georgia legislature, in connection with the suit of Chisholm against the State passed "an act declaratory of certain parts of the retained sovereignty of Georgia" which provided "that any Federal marshal, or any other person or persons levying or attempting to levy, on the territory of this State, or any part thereof . . . under or by virtue of any execution or other compulsory process issuing out of or by authority of the Supreme Court of the United States . . . are hereby declared to be guilty of felony, and shall suffer death, without benefit of the clergy, by being hanged."[1] After this we are prepared for Governor Troup's resolute and successful defiance of the Washington government in connection with the Creek Indian difficulties during the John Quincy Adams administration. The treaty of Indian Springs being disavowed by the more powerful chiefs of the Creeks, the United States government entered into another, the treaty of Washington. But Georgia insisted on the validity of the former treaty, not only as more favorable but because surveys and occupation of the ceded territory had already begun. The Secretary of War, on May 18, 1825, notified Governor Troup that "the President expects" the survey to be abandoned, and that force would be used if necessary. Governor

[1] Ames, *State Documents on Federal Relations*, pp. 7–11.

Troup answered defiantly and called out the State militia.[1] The State sustained him and there would have been a bloody conflict between the two authorities had not the central government yielded and receded from its position. In messages to the Georgia legislature in May and June, 1825, Governor Troup denounced "officious and impertinent intermeddling with our domestic concerns" (referring to a proposition made in Congress to use the proceeds of the sale of public lands for the emancipation and colonization of slaves), and notified those concerned that "the United States can choose between our enmity and our love."[2] Georgia also successfully resisted the decision of the Supreme Court in connection with the questions of the missionaries and the jurisdiction of the Cherokee nation in 1831–5.[3] Alabama was equally belligerent and triumphant. After the United States marshals were ordered to remove the 30,000 white settlers in the nine Indian counties, and war at once appeared to be imminent, the governor of that State received offers of voluntary service from persons residing as far away as New York.[4] The troubles were finally brought to a peaceable issue by the removal of all the Indian tribes to the west of the Mississippi River.

Later instances of nullification and the assertion of State sovereignty include Maine's resolutions in 1831, denouncing the Canadian boundary treaty as a decision

[1] *Niles's Register*, XXXII, p. 16; *ibid.*, XXVIII, pp. 155–208; *Acts of Georgia*, 1825, pp. 204–209.

[2] *Niles's Register*, XXVIII, pp. 274–277.

[3] Ames, *State Documents on Federal Relations*, pp. 128–129; Phillips, *Georgia and States' Rights*, ch. 2–3.

[4] Fleming, *Civil War and Reconstruction in Alabama*, pp. 8–9.

to which she as a State with "sovereign power," . . . "can not yield"; South Carolina's repudiation of the tariff law in 1832, which would probably have been followed by secession had not the offending tariff been promptly modified to an extent satisfactory to Calhoun; the defiant attitude of the legislature and governor of Massachusetts in 1843–5 and their virtual threat of New England's secession if Texas were admitted as a State;[1] and the widespread secession movement in the Southern States in 1850–51, checked by the hard-fought victory of Southern unionists in the elections.

The Abolitionists from the very outset had been saturated with the nullification and even the secession spirit, as has been shown, and no more complete examples of nullification and defiance of Constitutional mandates and Congressional enactments are to be found than the statutory repudiations of the Fugitive Slave Law by a majority of the Northern States, so pointedly complained of by Calhoun and rebuked by Webster in 1850 and deplored by President Buchanan in 1860. The history of the first seventy years of our government is crowded with events and with utterances pointing to the act of the Southern States in 1860–61 as a perfectly comprehensible and logical outcome of all that had gone before.

It is generally supposed that but for the bitter quarrel over the extension of slavery in the territories the South would not have put forward the claim of State sovereignty in other than an academic way as late as 1850, much less 1860; but when we reflect upon Massachusetts' threatening resolutions as late as 1845,

[1] See *ante*, pp. 51–54.

it is made manifest that what we now call national sentiment was of slower growth in New England as well as in the South than in the Middle and Western States. The creation of new States in the West strengthened the Union for the obvious reason that these new States, which were never sovereign and only outlying territory claimed by the general government, were devoid of the traditions, jealousies and pride of the old thirteen originally independent commonwealths, and had no desire to stand apart. But perhaps the most important factor in the more rapid growth of nationality in the Middle and Western States is to be found in the great stream of European immigration flowing through them. To the newcomers the country was one, Washington was its seat of government, and the President its only ruler of consequence. The foreign born were without intelligent comprehension of our dual system of government, were ignorant of the illuminating history of the origin of that system, and as for the claim of State sovereignty it was to them the veriest foolishness, which they readily pronounced treason when the crisis came. It was a semi-Europeanized as well as a commercial and slavery-hating North that declared for the Union and forbade secession.

We have yet to notice some of the many utterances of early writers indicating that State sovereignty, nullification, and the right of secession were at least open questions until the great war decided the issue forever. One of the most notable of these was William Rawle, principal author of the revised code of Pennsylvania, for many years chancellor of the Law Association of Philadelphia, and one of the most eminent

lawyers of his time. In his *View of the Constitution*, published in 1825, he describes the Union as "an association of the people of republics," the preservation of which "is calculated to depend on the preservation of those republics."[1] And further: "It depends on the State itself to retain or abolish the principle of representation, because it depends on itself whether it will continue a member of the Union" (p. 289). "To deny this right would be inconsistent with the principles on which our political systems are founded. This right must be considered as an ingredient in the original composition of the general government, which, though not expressed, was mutually understood." [What pity it was not either clearly "expressed" or never "mutually understood"!] "The States, then, may wholly withdraw from the Union; but while they continue, they must retain the character of representative republics" (p. 290). "The secession of a State from the Union depends on the will of the people of such State" (p. 295). "The people of a State may have reason to complain in respect to acts of the general government; they may in such cases invest some of their own officers with the power of negotiation, and may declare an absolute secession in case of failure" (p. 296). "To withdraw from the Union is a solemn, serious act. Whenever it may appear expedient to the people of a State, it must be manifested in a direct and unequivocal manner" (p. 298). Etc., etc.

This work, which treated of the right of secession as a matter of course, generally understood and ac-

[1] Rawle's *View of the Constitution* (Philadelphia, 1825), pp. 288–299.

knowledged, was not only a reference book in the average American college and public library, but, according to Charles Francis Adams, was the standard text-book on its subject at the West Point Military Academy, where "anterior to 1840 the doctrine of the right of secession seems to have been inculcated." [1] In a letter dated November 23, 1904, and signed Edward S. Holden, Librarian of the West Point Military Academy, it is stated that the copy of Rawle's *View of the Constitution* "owned by the Library U. S. M. A., contains manuscript notes which make it very probable that this book was used as a text-book at the Military Academy, inasmuch as there is a list of sections and lessons marked." [2] A similar statement appears in a letter signed by Brigadier-General A. L. Mills, Superintendent of the Military Academy, who also says, date of November 18, 1904, that in "the forthcoming Memorial Volume of the Military Academy" Rawle's *View of the Constitution* will be described as "the text-book of the law department, from (?) to (?)—" (dates uncertain).[3] Having been published in 1825, it is reasonably certain that the book was in use at West Point for some years, until the introduction of such later works as Kent's *Commentaries* and Story's *Commentaries.*[4] All this is of the

[1] Charles Francis Adams, *Constitutional Ethics of Secession*, p. 16.
[2] Robert Bingham, *Sectional Misunderstandings* (reprinted, with brief additions, from *North American Review* of Sept., 1904).
[3] *Ibid.*
[4] In *The Spirit of Old West Point*, just published by General Morris Schaff, who was sent to the Military Academy from Ohio in 1858, it is stated that *Rawle* "was used as a text-book for two years only, from 1825 to 1827" (p. 230). However that may be, it still remains true that Davis, Lee and the two Johnstons were students at West Point during those years. General Schaff states that the influence of the book was felt long afterward and he assigns

highest interest, in view of the fact that Jefferson Davis and Robert E. Lee graduated at West Point in 1828 and 1829 respectively. According to the statement of John Rawle, grandson of William Rawle, date of January 27, 1905, "General Lee told Bishop Wilmer, of Louisiana, that if it had not been for the instruction he got from Rawle's text-book at West Point he would not have left the old army and joined the South at the breaking out of the late war between the States." [1] William Brooke Rawle, of Philadelphia, "always understood" that his ancestor's work "was for many years a text-book at the United States Military Academy at West Point." [2]

According to General Dabney H. Maury, "Mr. Davis and Sidney Johnston and General Joe Johnston and General Lee, and all the rest of us who retired with Virginia from the Federal Union, were not only obeying the plain instincts of our nature and dictates of duty, but we were obeying the very inculcations we had received in the National School." [3] According to the statement of Rev. Dr. L. W. Bacon, of Assonet, Mass., date of March 25, 1884: "While the question of Jeff Davis's trial for high treason was pending, Mr.

this as one of the important reasons "why West Point men resigned to join the Confederacy" (pp. 229–233). This assertion as to the length of the period seems to be based on a statement made in 1894 by Col. R. T. Bennett, of North Carolina, that Jefferson Davis had, in 1886, written to him as follows: "*Rawle on the Constitution* was the text-book at West Point, but when the class of which I was a member entered the graduating year, Kent's *Commentaries* was introduced as the text-book on the Constitution and International Law. Though not so decided on the point of State sovereignty, he was very far in advance of the consolidationists of our time."—*Southern Historical Papers*, Vol. XXII, p. 83.

[1] Robert Bingham, *Sectional Misunderstandings.* [2] *Ibid.*

[3] *Southern Historical Papers*, Vol. VI, p. 249.

W. B. Reed, counsel for the defense, was a member of my brother's congregation at Orange Valley, N. J. He told my brother, after it had been decided that the trial was not to take place, that if the case had come to trial, the defense would have offered in evidence the text-book on constitutional law from which Davis had been instructed at West Point by the authority of the United States government, and in which the right of secession is maintained as one of the constitutional rights of a State." [1] Thaddeus Stevens held "that as the belligerent character of the Southern States was recognized by the United States, neither Davis nor Clay can be tried for treason;" [2] but when the council of eminent Northern lawyers decided that the trial must be abandoned because of "the insurmountable difficulties in the way of getting a final conviction," [3] it is probable that not the least serious of those obstacles was the use of Rawle's *View of the Constitution* at West Point, when Davis was a cadet there.

Writing a few years later than Rawle, in 1835, that observant French student of American government and conditions, Alexis De Tocqueville, gives similar testimony, after the careful investigations of a long sojourn in this country. De Tocqueville, as Richard Cobden observed in 1861, "takes the Southern view" of the right of secession. "He says, 'the Union was formed by the voluntary agreement of the States, and in uniting together they have not forfeited their nationality, nor have they been reduced to one and the same peo-

[1] Robert Bingham, *Sectional Misunderstandings.*

[2] *Memoirs of Mrs. Clement C. Clay* (Doubleday, Page & Co.), letter of R. J. Haldeman, p. 291.

[3] *The Republic of Republics* (Little, Brown & Co., 1878), Preface, p. v.

ple. If one of the States chose to withdraw its name from the contract, it would be difficult to disprove its right of doing so; and the Federal government would have no means of maintaining its claims either by force or by right.' He then goes on to argue that among the States united by the Federal tie there may be some which have a great interest in maintaining the Union on which their prosperity depends ['which exclusively enjoy the principal advantages of union'], and he then remarks, 'Great things may then be done in the name of the Federal government, but in reality that government will have ceased to exist.' Has he not accurately anticipated both the fact and the motive?"[1]

De Tocqueville also astutely observes: "Patriotism is still directed to the State and has not passed over to the Union. . . . Whenever the Federal government has anything to do with a State, it begins to parley, to explain its motives and justify its conduct, to advise and, in short, anything but command. . . . The provincial government prefers its claim with boldness . . . while the government of the Union reasons, temporizes, negotiates . . . [being] naturally so weak. . . . If the sovereignty of the Union were to engage in a struggle with that of the States at the present day, its defeat may be confidently predicted; and it is not probable that such a struggle would be seriously undertaken. Experience has hitherto shown that whenever a State has demanded anything with perseverance and resolution, it has invariably succeeded;" [as in the case three years before of South Carolina's nullification, which secured the reduction of the offending tariff, notwithstanding the

[1] John Morley, *Life of Richard Cobden*, p. 385.

fulminations of Andrew Jackson, who was stronger than the government he represented] "and that if it has distinctly refused to act, it was left to do as it thought fit.[1] It appears to me unquestionable that the present Union will last only as long as the States which compose it choose to continue members of the confederation."

De Tocqueville thought it was not so much a question as to whether the States are "capable of separating" as it is "whether they will choose to remain united." This shrewd foreign observer put his finger on an important factor in the strength of the Union sentiment in one section when he added: "The North, which ships the products of the Anglo-Americans to all parts of the world, and brings back the produce of the globe to the Union, is evidently interested in maintaining the Confederation in its present condition, in order that the number of American producers and consumers may remain as large as possible. . . . The North cannot but desire the maintenance of the Union, in order to remain as it now is the connecting link between that vast body [the South and West] and the other parts of the world."[2]

Four years after De Tocqueville wrote, in a discourse on the "Jubilee of the Constitution" at New York in 1839, John Quincy Adams said: "If the day should ever come (may Heaven avert it!) when the affections

[1] A footnote adds: "See the conduct of the Northern States during the War of 1812. 'During that war,' says Jefferson, in a letter to General Lafayette, 'four of the Eastern States were only attached to the Union like so many inanimate bodies to living men.'"

[2] De Tocqueville's *Democracy in America* (Gilman ed., 1898), Vol. I, pp. 496–504.

of the people of these States are alienated from each other, when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred, the bonds of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited States to part in friendship from each other than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution, to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the centre."[1] The ex-President spoke as one who had learned through his unsuccessful struggle with Governor Troup, of Georgia, that the State governments were stronger than the central authority, and that it was wiser on the part of the latter not to try conclusions with the former.

Massachusetts' threatening resolutions, to which we have referred, show that the State sovereignty idea still vigorously flourished in other sections than the South as late as 1845. Even as late as 1860 the view was publicly expressed in the North. In his *Constitutional View* Stephens called attention to the fact that Horace Greeley declared editorially in the New York *Tribune* on December 9th of this year: "That was a base and hypocritic row that was once raised at Southern dictation about the ears of John Quincy Adams, because he presented a petition for the dissolution of the Union. The petitioner had a right to

[1] John Quincy Adams, *Jubilee of the Constitution*, p. 69.

make the request; it was the member's duty to present it. And now, if the Cotton States consider the value of the Union debatable, we maintain their perfect right to discuss it. Nay, we hold, with Jefferson, to the inalienable right of communities to alter or abolish forms of government that have become oppressive or imperious; and if the Cotton States shall decide that they can do better out of the Union than in it, we insist on letting them go in peace." [1]

Of the inevitable conflict of 1861–5 it may be justly said that both sections were fundamentally moved by self-interest, but that each was amply supported by sentiment. Therefore the North made much of the facts and traditions tending to deny the right of secession and the South made much of the facts and traditions tending to confirm that right. The Constitution, a compromise of contending factions, is elastic and susceptible to varying interpretations. On its face it confirms more strongly the national than the State sovereignty idea—barring the Tenth Amendment,—but it confirms both. Viewing it, however, in the light of the conditions at the time of its adoption, the debates accompanying its ratification, the illuminating events of the subsequent seventy years, and the significant utterances of early writers and speakers indicative of the popular understanding, it will unquestionably appear to confirm more positively the State sovereignty than the national idea.

The verdict of history can be no other than that true nationality was the growth of a century, and that the States, which were first in time, by creating a central government with only certain delegated

[1] Greeley's *American Conflict*, Vol. I, p. 359.

powers, provided a divided sovereignty, and thus left the people free to choose; and further that when the people did choose, they were moved by instinctive preference as well as influenced by environment and sectional prejudice. This divided sovereignty would have produced conflict—pending the final triumph of nationality—even if slavery and the negro had injected no lamentable apple of discord. Finally, the verdict of history must declare that from 1850 to 1876 there was more genuine revolution on the part of the unionist North than the secessionist South—the revolutionary course of the former beginning with State nullification of the constitutional provision for the return of fugitive slaves and continuing until a slavery-protecting Constitution had been reconstructed and Southern society had been turned upside down and made to stand upon its head.

CHAPTER XII

VICE-PRESIDENT OF THE CONFEDERACY

THE Congress of the new Southern Confederacy that met at Montgomery, Ala., on February 4, 1861, represented only the six States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana. These had a slave population of 2,165,651 and a free white population of only 2,287,147. Even after they were joined by the five other seceding States of Virginia, North Carolina, Tennessee, Arkansas and Texas, the free white population of the eleven States amounted to only about five millions. The States that joined in the war for the Union, without including Maryland, Kentucky and Missouri, which were officially neutral and actually divided, contained a free and almost entirely white population four times as great as that of the eleven seceding States and nearly nine times as great as the white population of the first six seceding States which formed the Confederate government at Montgomery. The remarkable temerity of these latter can be explained only on the ground of the general belief in the doctrine of State sovereignty and the lack of any widespread apprehension that a serious effort would be made to coerce the seceding sovereignties by force of arms.

If the other leaders shared Stephens's expectation of war they were less outspoken, and the people generally

were full of joyful anticipations of the peaceable establishment of the independence of their section. "Georgia's Declaration of Independence," for example, was celebrated with the happiest of festivities. "Let us exult," said the Augusta *Constitutionalist*, under the editorial caption, "The Republic of Georgia," on January 20, 1861—"let us rejoice in the day which beheld our State resume all her delegated sovereignty and take her place among the nations of the earth." And the people exulted—believing that now at last the sectional wrangling of forty years was at an end, and that the seceding States would be free to govern themselves in all things as they saw fit.

The Church received secession with open arms. Even before the issue was known Bishop Elliott instructed the Episcopal clergymen of Georgia to use a form of prayer supplicating the presence of the Almighty "with the Supreme Council of our State now assembled." One paragraph of his announcement to the diocese, dated January 14, 1861, reads: "In the event of the secession of the State of Georgia from the Union, the clergy will suspend the use of the prayer entitled 'A Prayer for Congress'; and in the prayer entitled 'A Prayer for the President of the United States and all in civil authority,' will omit the words, 'Thy servant, the President of the United States,' and substitute in their places the words, 'Thy servant, the Governor of the State of Georgia.'"[1] The first prayer at the opening of the Confederate Congress at Montgomery, delivered by Rev. Dr. Manley of the Baptist Church, is worthy of notice:

[1] From a private scrap-book of clippings from Southern newspapers of the period.

"Oh, Thou God of the Universe . . . we thank Thee for all the hallowed memories connected with our past history. Thou hast been the God of our fathers; oh, be Thou our God. Let it please Thee to vouchsafe Thy sacred presence to this assembly. . . . We appeal to Thee, the searcher of hearts, for the purity and sincerity of our motives. If we are in violation of any compact still obligatory upon us with those States from which we have separated in order to set up a new government, . . . we cannot hope for Thy presence and blessing. But oh, Thou heart-searching God, we trust that Thou seest we are pursuing those rights which were guaranteed to us by the solemn covenants of our fathers and which were cemented by their blood. And now we humbly recognize Thy hand in the Providence which has brought us together. We pray Thee to give the spirit of wisdom to Thy servants, with all necessary grace, that they may act with deliberation and purpose, and that they will wisely adopt such measures in this trying condition of our affairs as shall redound to Thy glory and the good of our country. . . . Oh, God, assist them to preserve our republican form of government and the purity of the forms of religion . . . and when the hour of trial, which may supervene, shall come, enable them to stand firm in the exercise of truth, with great prudence and a just regard for the sovereign rights of their constituents. Oh, God, grant that the union of these States, and all that may come into this union, may endure as long as the sun and moon shall last, and until the Son of Man shall come a second time to judge the world in righteousness. Preside over this body . . . and let truth and justice and equal rights be secured to our government. . . ."[1]

Alexander H. Stephens reluctantly agreed to be one of Georgia's representatives at the Montgomery con-

[1] From scrap-book of clippings from Southern newspapers of 1861–5.

vention of the seceded States, and his consent was made contingent on satisfactory assurances that both the provisional and permanent governments would be formed "upon the principle and basis of the Constitution of the United States."[1] Possibly he early took such ground owing to certain tentative unofficial suggestions as to the advisability of establishing a monarchical form of government, although the need of such caution is not apparent. Andrew Johnson, in his speech against secession on December 19, 1860, greatly exaggerated the importance of certain Southern utterances on this subject. He quoted a writer in the Columbus, Ga., *Times* as saying, "I raise my voice for a return to a constitutional monarchy," and showed the Augusta *Chronicle and Sentinel* as questioning whether the people were ready for the "hereditary constitutional monarchy" which "some of the wisest and best citizens propose," and as noting that other citizens favored a restricted suffrage, representatives elected for seven years, senators for a long period, and the executive for life. The two Georgia newspapers named were the only authorities cited by Johnson.

It does not appear that this question was even mentioned in the deliberations at Montgomery. Neither Stephens[2] nor Dr. J. L. M. Curry,[3] another member, refers to it when giving an account of the formation of the Confederate Constitution, although the latter feels called on emphatically to declare that "no proposition was made to open or connive at the slave trade, nor

[1] Johnston and Browne, p. 383.

[2] Stephens, *A Constitutional View of the War*, Vol. II, pp. 335–340.

[3] J. L. M. Curry, *Civil History of the Confederate States*, pp. 62–85, 274–309.

did a single member favor such an infamous scheme." Conservative republicanism ruled, as will be seen. Possibly Stephens was not sure of such conservatism at the outset, for he made his coöperation conditional, as noted, and before going to Montgomery he said in a private letter that his apprehension and distrust of the future arose from the want of "loyalty to principle, and pure, disinterested patriotism in the men at the head of the movement." But his letters at all periods show that such an attitude of distrust was habitual with him whenever he disagreed as positively as he had with Toombs and others on the advisability of secession. He may have feared that Toombs would attempt to force radical and revolutionary ideas on the Congress,[1] and was agreeably disappointed when he found how nearly they were in agreement in the matter of the proposed Constitution. "He is very friendly with me now," Stephens wrote, pleased, a few days after the Congress met, "and confers freely with me on all matters either before his committee on the Constitution or before Congress."

During the sittings at Montgomery Stephens's letters are at times very critical. Referring to the proceedings of the second day, he says he made a certain motion "merely because the crowd generally seemed green and not to know how to proceed." On February 27th he rather egotistically observes that "only occasionally a member speaks whom I have any patience

[1] When, in his speech against secession before the Georgia legislature, November 14, 1860, Stephens expressed his great admiration for the government of the United States, in spite of "all its defects," and challenged unfavorable comparison with any other "on the face of the earth," Toombs loudly interjected: "England!"—Cleveland's *Letters and Speeches*, p. 699.

with." On March 1st: "We lack statesmanship of what I consider a high order. We have but little if any real forecast. This renders me uneasy." But when the work was well forward and it pleased him, he wrote: "Upon the whole, this Congress is the ablest, soberest, most intelligent and conservative body I was ever in." Even after this he wrote that he "was in agony all day yesterday for fear some mischief might be done," and that he was "constantly suspended between hope and fear for the future."

It is of interest to note the impression made by this first Confederate Congress and the Southern men there on a foreign observer, W. H. Russell, the correspondent of the London *Times*, afterward known as "Bull Run" Russell, he having greatly displeased the Northern public by a too truthful account of the hasty march back to Washington after the first battle of Manassas or Bull Run. "I could fancy," he writes, "that, in all but garments, they were like the men who first conceived the great rebellion which led to the independence of this wonderful country—so earnest, so grave, so sober and so vindictive—at least so embittered against the power which they consider tyrannical and insulting. . . . The word 'liberty' was used repeatedly."[1] At the same time the slave market in Montgomery produced in Russell "a feeling of inexpressible loathing and indignation." He might well have added, however, that the "liberty"-loving secessionists of 1861 were not more inconsistent, if indeed more blind, in this particular than were their grandfathers of 1776 and 1787.

Stephens anxiously desired that the Confederate

[1] W. H. Russell, *My Diary North and South*, pp. 67–68.

Constitution be so formed as to admit non-slaveholding States also, and that the policy of the new government should be such as might induce the Western States and territories to join the Confederacy, which otherwise he feared would be known, to its damage, as "the Black Republic." He seemed not to perceive that, in view of the South's position on the extension of slavery into the territories, this was impossible, and that such a hope could never be realized. The objection to the extension of slavery into the Northwest was ostensibly on moral but fundamentally on economic grounds. The working classes (the bulk of the population) of the North and Northwest evidently cared little about the duration of slavery as long as it was confined to the South, but they were unalterably opposed to the deadly competition of slave labor. There is no indication that the Southern leaders saw this vitally important matter in its true light, all of them, even Stephens, viewing it from the aloof and incomprehensive patrician standpoint.

Among the men who "did most toward suggesting and enforcing the changes which were adopted" in the Confederate Constitution, Dr. J. L. M. Curry prominently mentions Stephens, and in referring to the preliminary work, says: "On motion of Mr. Stephens a committee on rules was appointed. He soon reported a code which very much simplified parliamentary procedure and facilitated business. The simplification of the artificial 'previous question' has been adopted by legislatures and is incorporated in many codes."[1] In his own account[2] Stephens attrib-

[1] Curry, *Civil History of the Confederate States*, pp. 43–47, 63–64.
[2] Stephens, *A Constitutional View of the War*, Vol. II, pp. 335–339.

uted most of the important suggestions to other members of the convention, which included besides himself the four Georgians, Toombs, Hill, T. R. R. Cobb, Howell Cobb (the presiding officer), and Rhett, Walker, Conrad, and Withers from the other States represented. In a private letter from Montgomery, date of February 9, 1861, he, however, made this statement:

"We agreed last night at about midnight to a Constitution for a Provisional Government of the Confederate States. That is the name. It is the Constitution of the United States, with such changes as are necessary to meet the exigencies of the times. Two new features have been introduced by me: one, leaving out the clause that excluded cabinet ministers from being members of Congress; the other, that Congress should not have power to appropriate any money unless it be asked for by the Executive or some one of the heads of departments," [except by a two-thirds vote of both houses].[1]

He also wrote plaintively during the sittings: "I am occupied day and night; never did I have such a heavy load of work on my hands. Sometimes I think I shall sink under it." Well might one always so frail and ailing as he complain. Even when out of Congress, he writes, he was obliged to receive those who came to consult him "until twelve o'clock at night."

The Confederate Constitution, as Stephens explained,

[1] When finally adopted this was accompanied by the requirement that the Treasury publish at stated intervals its receipts and disbursements by items. These characteristic precautions recall Blaine's testimony (*Twenty Years of Congress*), that "throughout the long period of their domination [at Washington] the Southern leaders guarded the treasury with rigid and increasing vigilance against every attempt at extravagance and every form of corruption."

was little more than the Constitution of the United States with certain more explicit statements bearing on the political issues of the time. The following change in the preamble, the insertions or substitutions appearing in italics, will give an idea of the general spirit of the alterations.

"We the people of the *Confederate States, each State acting in its sovereign and independent character*, in order to form a *permanent federal government*, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—*invoking the favor and guidance of Almighty God*—do ordain and establish this Constitution of the *Confederate* States of America."

In Article I, "all legislative powers herein granted" was altered so as to read, "all legislative powers herein *delegated*," with the obvious purpose of a more positive expression of the reserved sovereignty of the States forming the Confederacy. The "importation of *negroes of the African race* from any foreign country other *than the slave-holding States or Territories of the United States of America*" was forbidden. The paragraph in the Constitution of the United States providing for the inter-State surrender of escaped slaves was thus changed: "No *slave or other* person held to service or labor in *any State or Territory* of the *Confederate* States, escaping *or lawfully carried* into another, shall, in consequence of any law or regulation therein be discharged from such service or labor; but shall be delivered up on claim of the party *to whom such slave belongs, or* to whom such service or labor may be due."

Among the changes in no way related to the polit-

ical controversies of the time, other than those already noted in the extract from Stephens's private letter, were provisions to prevent infringements upon popular liberty and upon State rights, and restrictions upon the taxing power. "The question of building up class interests," said Stephens in a speech at Savannah on March 21st, "or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality."

The tenure of the President's office was fixed at six years, after which he was not eligible for a second term. This last provision is of itself sufficient disproof of the existence of any leaning toward either the substance or the form of monarchy. Indeed, new restrictions were placed upon the power of the President, eligible for but one term, by providing that he might remove only cabinet and diplomatic officers at discretion and requiring that in all other cases removals could be made only for cause reported to the Senate.

Stephens well said that "the whole document utterly negatives the idea, which so many have been active in endeavoring to put in the enduring form of history, that the convention at Montgomery was nothing but a set of 'conspirators' whose object was the overthrow of the principles of the Constitution of the United States."[1] Dr. Curry saw in the debates at

[1] Stephens, *A Constitutional View of the War*, Vol. II, p. 339.

Montgomery only "the one controlling desire" to devise a system which, "while avoiding the weaknesses or failures of the old," would "result in the welfare of the people and the safeguarding of human rights." With the inevitable exception of the "human rights" of the negro slaves, this is absolutely true.[1]

Early in the session, on February 9th, Jefferson Davis and Alexander H. Stephens were unanimously chosen President and Vice-President of the new government. In a private letter, dated February 21st, Stephens stated that he was induced to accept "from no motive in the world but a desire to promote the public weal." He "thought it would have that effect and therefore could not decline." Undoubtedly it helped to unite all

[1] In advising his State to join the Southern Confederacy for commercial reasons, Governor Price of New Jersey said: "The Constitution made at Montgomery has many modifications desired by the people of this State" (Powell's *Nullification and Secession in the United States*, pp. 373–4). No higher tribute could have been paid to the merits of the Confederate Constitution than the suggestion of the New York *Herald* that it be adopted by all the States. *The Southern Republic*, of Augusta, Ga., date of March 22, 1861, quoted as follows from the *Herald*: "Mr. Seward said in one of his speeches that the North did not know what the Cotton States wanted, and that it was time enough to take action toward reconciliation when the demands of the South were officially ascertained; and Mr. Lincoln has declared in favor of a convention to adopt amendments to the Constitution. Now, by the unanimous adoption of the new Constitution by the Southern Congress, the President, the Secretary of State, and the Republican party know what the South wants; and as there is nothing unreasonable in their demands, and as nothing less will satisfy the Southern States, the best course for the border States and all the other States, North and South, to pursue is to adopt this instrument of reconstruction. As seven States are now out of the Union, which will not be represented in the convention proposed by Mr. Lincoln, the only practicable mode of restoring harmony is the adoption of the new Southern Constitution by three-fourths of the States in the mode required by our present Constitution. We shall then have a perfect Union never to be broken."

The answer of *The Southern Republic* is no less interesting, and

factions and elements. The choice of Jefferson Davis for the first place is said to have been a surprise to himself and many others. What the hero of Buena Vista and the Secretary of War under the Pierce administration desired was the chief command of the army, in the event of war. The Georgia delegation had unanimously agreed to present the name of Toombs. South Carolina's delegates were also understood to favor either him or Stephens, but when the suggestion was made to the latter by one of the Carolina delegation, he promptly declared that he did not want the office and, moreover, did not consider it appropriate, as he had opposed secession.[1] Stephens himself favored Toombs as "by far the best fitted for the position, looking to all the qualifications necessary to meet its full requirements."[2] But when it was found that delegates from Florida, Alabama, Mississippi, and Louisiana had agreed to support Davis, Toombs withdrew his name and the convention

clearly indicates that the breach was too wide to be healed in this or any other manner. It was in part as follows: "The *Herald* might as well appeal to winter, as it glistens cold and bright upon the New England hills, to melt and soften into summer at a word, as to the Northern States to adopt that Constitution. It would be as easy to storm Fort Sumter by logic, or lure the United States troops at Forts Pickens, Jefferson and Taylor from their positions by a tune upon a jew's-harp, as to make them do it. If some mighty, almost miraculous power were to influence them to adopt it, it would be too late so far as the Confederate States are concerned. They have come out from under a pall of gloom and prospective ruin. . . . The Confederate States could not forget the treachery of the North, the insults to which they have been subjected, the wounds they have received. The *Herald*, however, can do much good. Let it go on and preach *peace*, for the good of both sections and the interests of humanity."—*From a clipping in a private-scrap book of the war period.*

[1] Johnston and Browne, pp. 389–390.

[2] Stephens, *A Constitutional View*, Vol. II, pp. 329–333.

amicably united on the former, who was no doubt the popular choice.

The permanent Confederate Constitution was completed and unanimously adopted on March 11th, by the seven States represented, Texas having seceded on February 14th, and sent her delegates. Meanwhile Jefferson Davis had arrived at Montgomery, having accepted the position tendered him, and was formally inaugurated on February 18th. The newspapers of the time state that the choice of Davis and Stephens was received everywhere with demonstrations of great enthusiasm, one hundred guns being fired at Montgomery in honor of the event. Similar demonstrations marked the inaugural which was accompanied by all the dignity, but necessarily less of the pomp, with which we are familiar at Washington on such occasions. Stephens had publicly accepted, on February 11th, the position of Vice-President, and contrived that the formalities should be of the simplest character. His private correspondence contains the following references to his election and assumption of office:

February 9th.—"We have just elected the President and Vice-President of the Confederacy. Mr. Davis, of Mississippi, was unanimously chosen President, and I was unanimously chosen Vice-President. I knew that such was the understanding as to what would be the result, and did not go to the hall when the election took place. The vote was cast by States."

February 10th.—"To-morrow I am to be inaugurated, or signify my acceptance and take the oath of office publicly in the Congress hall at twelve o'clock. . . . I almost shrink from the responsibilities I shall assume. To making any speech on the occasion I have

a strong aversion ; but such is the request in the letter asking my acceptance."

February 11th.—"This, as you know, is my birthday [aged forty-nine] ; and this day at the hour of one I was inaugurated (if such be the proper term) Vice-President of the Confederate States of America. The coincidence, altogether accidental, made a marked impression on my mind. The remarks I made . . . were delivered as if extemporaneous, though they had been written and committed to memory. I wrote them down this morning before going to the Capitol. There was, I suspect, great disappointment at their brevity. I had been urged to make a speech, and a very large crowd was assembled to hear it. I was satisfied that such a course would be injudicious, indelicate and improper. Since it is all over, a great many have told me that I did exactly right. I was governed entirely by my own judgment and sense of propriety in the matter."

On February 15th, the Confederate Congress provided that after his inauguration the President of the seven seceded States should appoint three commissioners to be sent to Washington "for the purpose of negotiating friendly relations" and "for the settlement of all questions of disagreement" between the two governments, including that of just compensation for forts held by the United States in Confederate territory, which now must necessarily be relinquished. These appointments were promptly made and the commissioners proceeded to Washington, where, on March 12th, they addressed a note to Secretary Seward, informing him of their mission and their government's pacific purposes. Seward refused to receive them officially or even to see them personally, but their dispatches to the Confederate government show that there were

unofficial communications from him through Justice John A. Campbell, who assured them that the disposition of the Lincoln administration was pacific, that it was desired that a direct answer be not pressed at the moment and that Fort Sumter would probably be evacuated in a short time.

Further assurances were sent the commissioners through Justice Campbell some ten days later. Not until April 7th, when it was known that the relief squadron of eleven ships had left New York to reinforce Fort Sumter, did they become really alarmed, and not until April 8th did they receive the "memorandum" explaining the position of the United States government. In their letter of April 9th to Seward the Confederate commissioners bitterly reproached him for not placing this memorandum, dated March 15th, in their hands until the 8th of April, and meanwhile leading them to believe that Fort Sumter would not be reinforced.[1] Justice Campbell shared their indignation, for he had been assured by written message almost at the last minute: "Faith as to Sumter fully kept—wait and see." In his letter to Seward, date of April 13th, Justice Campbell charged that the Confederate commissioners had been "abused and overreached" and that the "equivocating conduct of the administration" was "the proximate cause of the great calamity" that had followed at Fort Sumter. He felt outraged by the part he had been made to play, and this is understood to have hastened his resignation from the Supreme Court of the United States, which, however, would probably have followed in any case, his native State of Alabama having seceded.

[1] Stephens, *A Constitutional View*, Vol. II, pp. 345–355, 735–743.

It is quite clear that Seward deluded or detained the unsuspecting Confederate commissioners with promises until his government had decided what course to pursue, although at the outset he may have inclined toward the proposition to evacuate Fort Sumter. This was recommended by General Winfield Scott, and the question was seriously discussed on March 15th in an executive session of the Senate, where the Democrats favored the withdrawal of the troops from all the forts in the South except Key West and Tortugas. It was telegraphed throughout the country on March 14th that Fort Sumter was to be evacuated. If Lincoln and Seward changed their minds, it was doubtless after the governors of seven Northern States went to Washington to urge an aggressive policy, and after other signs of the public temper at the North had been carefully observed. That the administration was for some time uncertain what course to pursue, and that the Secretary of State was at first disposed to take a good deal upon himself are clearly indicated by the "memorandum" submitted to Lincoln by Seward in which the critical assertion was made that at the end of a month's administration (that is, on April 4th), the government was still without a policy, and that, among others, the question of the forts in the South was still unsettled.[1]

Stephens declared in his *Constitutional View* with, for him, unusual heat, that "the whole conduct of the Confederate commissioners was marked with perfect frankness and integrity of purpose, while they were met with an equivocation, a duplicity, a craft, and deceit, which, taken altogether, is without a parallel in modern times!" The irritation in the South caused by such

[1] Carl Schurz, *Abraham Lincoln*, pp. 67–73.

"crooked paths of diplomacy," as Davis characterized Seward's policy, was necessarily intense. And it was perfectly natural, from the Southern view-point, to regard the dispatch of the relief squadron as an act of war. The theory held by Lincoln and Seward, however sincerely, that the seceded States were not out of the Union and could not go out, but were in rebellion against constituted authority, made no difference so far as this point was concerned. It could only have been fully understood at Washington that, under the circumstances, the dispatch of relief to Fort Sumter would force the issue and precipitate the conflict.

In spite of all the excitement and irritation, however, the order to reduce Fort Sumter was reluctantly sent from Montgomery, where the policy was not unanimously supported and where a most earnest desire to avoid a hazardous war predominated. Even the fiery Toombs is reported to have urged that "it will lose us every friend that we have in the North." [1] But if the Confederate government had faltered at this point, it would have been open to the charge of weakness and would have virtually abandoned its cause at the outset. There is no record of Stephens's attitude at the moment, but in his history he justified the action at Montgomery and contended that the war "was inaugurated and begun when the hostile fleet styled the relief squadron, with eleven ships carrying 285 guns and 2,400 men, was sent out from New York and Norfolk to reinforce Fort Sumter, peaceably if permitted, 'but forcibly if they must.'" [2]

Whether Lincoln deliberately forced the issue in

[1] Stovall, *Life of Robert Toombs*, p. 226.
[2] Stephens, *A Constitutional View*, Vol. II, pp. 34–39, 43.

order to unite the hesitating, doubting Northern masses, that result was now attained and within two days of Major Anderson's capitulation,[1] he put forth his proclamation calling for 75,000 troops with no fear of consequences. This proclamation solidified the Southern masses in turn. Many of them might regret the old Union established by their fathers, but the new and separate Southern Union was a fact, and this, their country, was to be invaded; they had accepted the theory that a sovereign State could not and would not be coerced, and had not expected war, but now the invader was coming, and they must stand shoulder to shoulder in defense of native soil, forgetting all past divisions and differences. Yet even at this stage the gravity of the situation was but imperfectly understood. To the Southern mind it was incredible that so much blood and treasure would be sacrificed in order

[1] The spectacular and bloodless affair at Charleston was made a subject of jest by the London *Times*, which informed its readers that the ladies turned out to view a contest in which no one was hurt; that a telling shot from Fort Sumter was as generously applauded as one from Fort Moultrie; that when the American flag was shot away, Beauregard sent another for Anderson to fight under; that when the fort took fire the polite enemy, who had labored to cause the conflagration, gave equally energetic assistance in putting it out; and that the only cause of indignation during the whole affair was the conduct of the Northern flotilla in keeping at a safe distance and taking no part in the fray, the Southerners resenting this as an act of treachery to their admired enemy, Major Anderson.

Very different was the same newspaper's comment at a later day when the Confederacy's earlier successes in the field were the talk of the world. "There can hardly be a citizen of the Federal States," said the London *Times*, "who will not feel bitter envy as he reads the address of the Southern President on the success of the Confederacy's arms. The language of that address is familiar to the history and still more to the imagination of the Americans. All the topics are those which that nation has latterly claimed for its own. A people suddenly thrown on its defense, and though

to bind a few unwilling States to a Union that would be freer and therefore better off without them. Discussing "the cuckoo cry" that "the nation" must be saved, the Richmond *Examiner* said: "The Confederate States can support a national existence very well for themselves; why cannot the North do likewise? And how unworthy of any nation is the plea that it must die a political death if they lose their association with another which desires to get rid of the fellowship!" When the North found that the South was determined to win independence at any cost, would not the former reconsider and leave the latter in peace, on the common-sense principle that the game was not worth the candle? The issue of the contest between the governor of New York and the governor of Georgia no doubt encouraged many in the South to believe that equal firmness, resource and daring on the part of the

unprovided with ships, arms, powder and even food, hurling back in disorder and disgrace fleets and armies on the scale of a Xerxes or a Darius; multiplying its hosts by rapidity of movement, strengthening its unprovisioned fortresses by concealing their weakness; sacrificing gain, comfort and every earthly consideration to patriotism—this is the particular portraiture of greatness on which the American citizen fondly gazes and sees his own image. He panted and pined for at least one more occasion in which the earnest of his budding glory, given eighty years ago, might be more largely realized on the grand scale of modern warfare. . . . There was a time when we, on this side, sometimes smiled at these dreams. Greece would never transfer itself to the Potomac, or the Rappahannock become a classic stream. But this has come to pass and these visions have been fulfilled. The parts, however, were not as expected. It is the American himself—the American of the boastful, prosperous, teeming North—who is the furious, multitudinous, but discomfited invader. He is himself repelled, shattered and prostrated. It is from him, not for him, that all this glory has been won. In this famous world-wide story, which will be told for all ages, he is the savage invader, crushed to the ground, trodden under foot, or driven into outer darkness."—*From a private scrap-book of the war period.*

Confederate government would command an early peace. Apparently there were few who, like Stephens, foresaw the magnitude of the coming conflict.

Two days after President Lincoln's proclamation, the "mother of States," whose Peace Convention was still in session at Washington, withdrew from the Union and proclaimed herself an independent commonwealth, her governor having previously replied to the call for Virginia's quota of 2,340 men that no troops would be furnished for "an object not within the purview of the Constitution or the laws." In likewise refusing to furnish the desired quota, the governor of North Carolina (still in the Union) described the aggressive policy of the Republican administration as "in violation of the Constitution and a usurpation of power." The governor of Arkansas (still in the Union) declared that the demand for troops for such a purpose added insult to injury. The reply of Tennessee (still in the Union) was "not a man for purposes of coercion, but 50,000 if necessary for the defense of our rights and those of our Southern brethren." The replies of the border States, which announced and maintained the status of neutrals, thus asserting State sovereignty as positively as did the seceding States themselves, were no less emphatic. Lincoln was informed that Kentucky would furnish no troops "for the wicked purpose of subduing her sister Southern States." The governor of Maryland refused to answer the call unless it should be necessary "to defend the national capital." The governor of Delaware replied that he had no authority to comply with such a requisition. The governor of Missouri denounced the requisition as "illegal, unconstitutional, and revolutionary in its objects, inhuman and

diabolical."[1] Even in the free-labor States there was vigorous and outspoken opposition to the policy of the administration.

On April 17th, Stephens wrote from Montgomery: "It is expected here that Virginia will secede, and all the border States will follow her; and then I think the whole North will consolidate. This will keep the Republicans in power. This is perhaps what they are mainly aiming at." The expected event took place on the day this was written, and on the 19th Stephens started for Richmond in the capacity of commissioner "to negotiate an alliance" with the commonwealth of Virginia, "according to the constitutions of both powers." After due discussion, a convention was agreed on, providing that Virginia should join the union of the Confederate States and cede to the latter "all the public property, naval stores, munitions of war," etc., "acquired from the United States," "on the same terms and in like manner as the other States of the Confederacy have done in like cases." The articles of agreement were promptly ratified by the Virginia Assembly. It was provided, however, that this ordinance should not go into effect unless the people of the State endorsed the ordinance of secession, which they did soon after by a vote of 125,950 to 20,373.

After his arrival in Richmond on April 22d, Stephens wrote home: "We are on the eve of a tremendous conflict between the sections. Sentiment is rapidly consolidating on both sides of the line. North Carolina is in a blaze from one extremity to the other. I had to make a speech at all the stations. . . . Our people in Georgia have no idea of the feelings enter-

[1] Larned's *History for Ready Reference*, Vol. V, pp. 3424–5.

tained here of the dangers of war. All the cities and towns of Virginia are under guard day and night; and all persons not able to give an account of themselves are taken up." Ill-starred Virginia dimly foresaw that her bosom was to be the battle-field of the war and would bear the scars for a generation, but she did not dream that more than a third of her very soil would be alienated by the government to which she had generously ceded in earlier times her vast Western claims. On April 25th, Stephens wrote: "The work of my mission is in suspense before the convention. The Virginians *will* debate and speak, though war be at their gates." Decision and action, however, were prompt, as has been noted.

His purpose accomplished, Stephens returned southward, and on April 29th wrote from his home in Georgia: "Never was the country so thoroughly roused from the Rio Grande to the Canada line. The feeling at the North is just as intense, from all I can learn, as it is at the South. I feel anxious to see the message of President Davis delivered to-day. I trust he will recommend defensive measures only. If we act on the defensive strictly we may yet avoid a general war." From Montgomery on May 4th he wrote: "I expect a prolonged and bloody conflict. I have never believed that a separation of the States of the old Confederation would take place without a severe conflict of arms." After privately announcing to Linton Stephens the decision to move the Confederate government to Richmond in the following July, he wrote on May 14th: "I will not permit myself to doubt that the people of the South will prove equal to the crisis. I do not concur with those who think we shall have a short war. I

wish I could." Referring on May 25th to a report that he predicted little fighting, he wrote: "I have been of the contrary opinion *all the time.*" On May 30th: "All Lincoln's cabinet, except Blair, were opposed to the war at first—honestly, as I think. They were driven into it by such men as Cassius M. Clay, Jim Lane and the Republican governors."

Having been summoned from his home to Montgomery by a telegram from Davis, on April 17th, Stephens wrote: "He wished to consult me about receiving volunteers from the border States, the issuing of letters of marque, and other matters relating to the state of the country. A proclamation will be forthcoming to-morrow, I expect, inviting privateering. The proclamation will be put forth to let the Northern merchants know what they may expect, and to have privateers ready."

The expected proclamation was issued by the Confederacy's President two days later. There were two immediate results. One was the instruction of United States ministers to negotiate with the European Powers with a view to making the United States a party to the Paris compact of 1856 abolishing privateering. The other was Lincoln's proclamation announcing a blockade of the Southern ports and declaring that Southern privateers would be treated as pirates. International opinion, however, could not be expected to regard either Southern or Northern privateers as pirates because the United States had not joined Great Britain, France, Russia, Prussia, Austria and Turkey, when in 1856 those countries had agreed to abolish privateering. Earl Russell, therefore, insisted that the proposed convention should have no bearing

on the "internal difficulties" in the United States; and as Minister Adams would not assent to this, the United States again failed to become a party to the Paris compact of 1856.

This action of Earl Russell, England's recognition on May 6th of the Confederate States as belligerents, and Queen Victoria's proclamation on May 13th of neutrality between the belligerents were not only of immense advantage to the Confederacy as such, but subserved the interests of humanity. It was impossible to treat eleven States with a white population of five millions and with great armies in the field otherwise than as belligerents. If the theory that the Confederates were rebels in the ordinary sense of that term, and that Confederate privateers were pirates, had been acted upon, a series of appalling events would have followed, which would have filled the world with horror, and which every American would soon have blushed to recall.

CHAPTER XIII

THE SOUTH'S HANDICAPS IN THE WAR

A DISCUSSION of the battles of the war of 1861–5 would not be an appropriate feature of this chronicle, its subject having taken no part in the operations in the field. The military history of the great struggle may be dismissed with the single statement that the record of valiant fighting on both sides of the line is one of which all Americans of the present day may well be proud. A brief general account of the difficulties which faced the Confederates, and of the privations they suffered, is, however, an essential part of this narrative, Stephens having foreseen them more clearly perhaps than any of his associates, and having striven earnestly to provide for better conditions by the prompt export and storing of cotton abroad. In a sense also he was in his own person one of the Confederacy's heavy handicaps, as will be shown. There is much truth in the declaration of Benjamin H. Hill that "the cause was lost by our own dissensions," and no other man contributed to those dissensions in so large a measure as Stephens.

But of these things later. We must now refer to the damage done at the outset by his speech, delivered at Savannah on March 21, 1861, in which he exalted negro slavery as ideal and as the very "corner-stone" of the new and proud edifice of the Confederacy. Many years afterward a Scotch clergyman testified to

the "thrill of horror" caused by the reports of that speech in the British Isles, where the people, from the Queen to the peasant, had wept over the woes of those unearthly saints and martyrs with black skins who figured in the pages of *Uncle Tom's Cabin*. Speaking as Vice-President of the Confederate States of America, Stephens said:

"The new Constitution has put at rest *forever* all the agitating questions relating to our peculiar institution—African slavery as it exists among us—the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the 'rock upon which the Union would split.' He was right. What was conjecture with him is now realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally and politically. It was an evil they knew not well how to deal with, but the general opinion of the men of that day was that, somehow or other in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error.

"Our new government is founded upon exactly the

opposite idea; its foundations are laid, its corner-stone rests upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition . . . in conformity with the ordinance of the Creator. . . . Our Confederacy is founded upon principles in strict conformity with these [Divine] laws. This stone which was rejected by the first builders 'is become the chief of the corner'—the real 'corner-stone' in our new edifice."

A man of generous sympathies, of broad humanity, a democrat of democrats, a friend of all the world, Stephens was the very last of the Southern leaders that one would expect to make slavery the all-important question, yet he went further than any of them in his public utterances on this subject, thus obscuring the fundamental issue of State rights and doing incalculable damage to the Confederate cause. A year before he had expressed the fear that "if there were only slave States in the new Confederacy" it would "be known as the Black Republic and be without the sympathy of the world," but now he seemed to imagine that the same world could be brought by argument to another view. Nothing is more certain even in our time than that such a race as the negro, when placed in association with Americans or Europeans, must inevitably occupy a subordinate position; but to see in this unquestionable condition an excuse and mandate for either formal or actual slavery was not reason but persuasion induced by impelling circumstances. Stephens honestly confused the two things and imagined that on this subject he and the other later Southern leaders were wiser than Washington, Jefferson, and all the slavery-condemning "fathers"

of the South. But if the foresight of a year before had not been absent, he would now have stressed the "peculiar institution" less in speaking for the world to hear and dwelt on the violated constitutional rights of the Southern States as the imperative cause of secession. His "corner-stone" speech no doubt brought thousands of recruits to the Northern standard and was not the least of the factors concerned in the prevention of the recognition of the Confederacy by the governments of Europe.

Among other handicaps, two of the most serious are to be found in the fact that the Confederacy was hopelessly outnumbered in available fighting men and incalculably outclassed in material resources. In the course of the war the United States had 2,778,304 troops on the rolls, and the strength of the Federal army at the close of the struggle was 797,007 present and 202,700 absent. In the Confederate army at the surrender, according to the official estimate,[1] there were 174,223 men. This number includes all who were paroled between April and November, 1865, and among these are counted the "Tories and mossbacks" as well as the deserters, numbering from eight to ten thousand in Alabama alone, who came forward from their hiding-places to surrender,[2] much to the indignation of the genuine Confederate soldiers. The greatest strength of the Confederate army, present and absent, at any one time is given as 439,675, on January 1, 1864. The authority just cited adds 250,000 for deaths previous to that time, and, allowing for

[1] *Battles and Leaders of the Civil War*, Vol. IV, pp. 767–8.
[2] Fleming, *Civil War and Reconstruction in Alabama*, pp. 118, 127–8.

disability and desertion, suggests 1,000,000 as an approximate estimate of the total Confederate enlistments. This would mean one soldier in every five of a population including old men, women and children, and is manifestly too liberal an estimate, especially in the case of a section where large families of children were the rule, where there were classes exempted from service by law, and where the Tory, or Union, and otherwise half-hearted elements were of more considerable dimensions than is generally supposed. The usual estimate among Southern writers of 600,000 is probably nearer the truth, and, in the absence of complete records, may be accepted as at least approximately correct.

Some light is thrown on this question by a passage in a letter written by Stephens on August 27, 1862, referring to an interview with the Confederate Secretary of War on the previous day, as follows:

"He [the Secretary of War] is against the extension of the Conscript Act to the age of forty-five. If more troops should be wanted, he is in favor of calling on the governors of the States in the first instance. He says, however, and truly, I think, that we now have in the field as many as we can clothe and feed and arm. There are on the rolls about four hundred thousand." [1]

If four hundred thousand were as many soldiers as the Confederacy could "clothe and feed and arm" in 1862, much less than half that number could have been made effective in the field during the last year of the

[1] In a letter written six months later Stephens expressed the opinion that Lincoln would "not call out a great many more troops; he will keep his army at about a million strong."

war, in view of the distressing conditions which are to be pointed out. Napoleon well said that an army is like a serpent in that it moves on its belly. Even if all the troops desired had been available, the Confederate government would have been utterly incapable of profitably employing them during the latter part of the war, and would, indeed, have been embarrassed by their presence all the more, for they would have promptly exhausted the scant supplies that were carefully husbanded for the benefit of the half-starved remnant still on the firing line.

It is true that the estimate of 600,000 enlistments does not agree altogether with the claims of the separate States as to the number of soldiers each contributed, but it may be doubted whether these claims are always based on reliable records. Even if there were no more than 600,000 enlistments, one-eighth of the entire white population of the South was found in the Confederate armies, and was a remarkably large representation in view of the conditions which will be shown, and of the fact that only a majority—not the whole people—longed for independence and were determined to win the war at every cost of blood, treasure and cruel privation. The census of 1860 gave the eleven States of the Confederacy a population of 9,103,329, including West Virginia and eastern Tennessee which contributed so largely to the Union armies—a loss that was perhaps offset by the soldiers contributed to the Confederacy by the divided States of Maryland, Kentucky, and Missouri. From these nine millions must be subtracted, as unavailable material, nearly four million slaves, leaving about five million white persons of both

sexes and all ages from which to recruit the Confederate armies. The census of 1860 gives the United States a population of 31,443,321. The States outside of the Confederacy, therefore, had a population of 22,339,992. The divided States of Kentucky, Maryland and Missouri had a combined population, including slaves, of 3,024,745. Even if we deduct their inhabitants *in toto*, it will still appear that the North had a white population to draw from four times as large as that of the South, and with the same effort could muster an army four times as great. In addition it was able throughout the war to draw enlistments from Europe, which the blockaded South, suffering for the want of funds for the most ordinary expenses, could not do. Official statistics furnished by the Federal Secretary of War have been cited to show that more than 700,000 foreigners from first to last were induced to emigrate and enter the armies of the Union.[1] Moreover, there were 178,975 negroes in the Northern armies, according to the official figures, and large numbers of these were slaves escaping from the South. The census of 1860 alone is imperishable testimony to the devotion of the South in the field, or—if this be thoughtlessly denied—to the utter lack of such devotion in the teeming, prosperous, unfettered North.

The Confederates inevitably did their best work during the first half of the war while still hopeful of a successful issue, before the South had exhausted its limited resources, before the disagreements, divided counsels, and errors of its leaders had impaired the

[1] J. L. M. Curry, *Civil History of the Government of the Confederate States*, p. 152.

confidence of the people, and before fearful hardships and the doubtful outlook had weakened the determination to win at any cost, had checked voluntary enlistments, and had induced many to long for the end of war even with defeat.

The straits to which the people of the Confederacy were reduced by the blockade of their ports and the interruption of commerce between North and South may be readily understood when it is recalled that the institution of slavery had caused the Southern States to be wholly agricultural, with scarcely a manufacturing establishment of any sort. Food was at first generally plentiful and was always sufficient on the plantations of the lower South, but in a land of small railroad mileage and with coastwise commerce at an end owing to the blockade, lack of transportation facilities and the inward advance of the Federal lines made its proper distribution difficult from the outset and finally impossible. Even in the beginning the insufficient supply of ammunition was a source of anxiety. "We dare not make known the condition of the army," wrote a Confederate war clerk in Richmond on June 18, 1861,—"the awful fact that we have not enough ammunition at Manassas to fight a battle. There are not percussion caps enough in the army for a serious skirmish." [1] Although there was cotton in abundance, only primitive handlooms were now available, and the time came when women made shirts for their husbands out of their own petticoats. An English correspondent wrote of a gown worn by the wife of Senator Clement C. Clay at a ball in Richmond in the spring of 1864 made of unbleached homespun

[1] *Diary* of J. B. Jones, Vol. I, p. 53.

cotton trimmed with gourd-seed buttons dyed crimson. Delicately bred ladies were glad to get coarse brogan shoes at $100 a pair in 1863–4. Calico sold at $10 a yard and later on at $25. Even as far South as Georgia, early in the war "ordinary fifteen cent muslin sold at $2.50 a yard," says Mrs. Clement C. Clay in her memoirs. In Richmond physicians felt forced to charge $30 a visit and the cost of medicines was enormous. Newspapers were printed finally on the back of wall paper and sold at fifty cents a copy. Parched potato coffee, peanut "chocolate" and orange-leaf tea were prized beverages. Needles were as precious as heirlooms and locust thorns were used instead. High and low were glad to stoop and pick up a pin wherever found. Red ink was made of poke-berries and black ink of soot mixed with vinegar. Salt had to be extracted from the earthen floors of smoke-houses.

On December 5, 1864, Stephens wrote from Richmond that he was paying thirty dollars a day for meals and a room, and added: "Fuel, lights, and extras generally will be about thirty dollars per day more; so it will not take long to consume my salary."[1]

Throughout the South the prices for all necessaries soared upward, owing to the depreciation of the Confederate currency, the scarcity of merchandise and at many points even of food, the lack of transportation facilities, and the tightening grip of the blockade. Both the soldiers and the people suffered for the want of medicines, quinine selling at $100 an ounce when the war was only half over. At Richmond in April, 1863, flour brought $36 a barrel; in October of the same

[1] Johnston and Browne, p. 475.

year $70 a barrel. "How can I pay such prices?" asked a poor woman. "I have seven children,—what shall I do?" "I don't know, madam," replied the dealer,—"unless you eat your children."[1] A year later flour sold in Richmond at $275 a barrel; in January, 1865, at $700 a barrel, and on March 20, 1865, at $1,500 a barrel.[2] Many people suffered for the want of food and the majority lived on short rations. The *Diary* of J. B. Jones, December 30, 1864, quotes "second-hand shirts at auction $40," blankets $75; February 11, 1865, men-slaves $5,000 in Confederate money or $100 in gold; March 18, 1865, bacon $20 a pound, meal $140 a bushel. Correspondingly prohibitive prices for other food, clothing and medicines were demanded. At the Oriental Restaurant in Richmond[3] in 1864 a boiled egg cost $2, a cup of coffee $3, and so on.

As early as April 2, 1863, President Davis checked a bread riot in Richmond by mounting a dray and addressing the people. A mob of a thousand persons, shouting that they were hungry, rushed into "diverse stores of the speculators," and helped themselves. Davis "urged them to return to their homes, so that the bayonets now threatening them might be used against the common enemy. He told them that such acts would bring famine, as it would deter people from bringing food to the city. He said he was willing to share his last loaf with the suffering people (his best horse had been stolen the night before) and he trusted we would all bear our privations with fortitude, and continue united against the Northern invaders who

[1] *Diary* of J. B. Jones, Vol. II, p. 78.

[2] *Ibid.*, Vol. II, p. 454. [3] *The Confederate Scrap Book*, p. 136.

were the authors of all our sufferings." [1] The poor and the salaried clerks were not the only sufferers; even the President of the Confederacy was embarrassed to meet his expenses on a salary of $25,000 paid in a currency so depreciated that in 1864, $33, and early in 1865, $60 of it equaled only one dollar in gold. He was able to give few receptions or entertainments of any kind, and he had cause to regret that he had declined the gift of a house which the people of Richmond had offered him.

Senator Clement C. Clay wrote from Richmond to his wife in Macon as early as March, 1863: "A general gloom prevails here because of the scarcity and high price of food. Our soldiers are on half rations of meat, one-quarter pound of salt, one-half pound of fresh meat, without vegetables or fruit or coffee or sugar! Don't mention this, as it will do harm to let it get abroad. Really there is serious apprehension of having to disband part of the army for want of food. In this city the poor clerks and subaltern military officers are threatened with starvation, as they cannot get board on their pay. God only knows what is to become of us, if we do not soon drive the enemy from Tennessee and Kentucky and get food from their granaries. . . . I dined with the President yesterday at six P. M. *en famille* on beef soup, beef stew, meat pie, potatoes, coffee and bread." [2]

By December of the same year, the soldiers were reduced to "one quarter pound of fat pork with a little meal or a little flour," and Lee wrote of his men: "Thousands are barefooted, a greater number partially

[1] *Diary* of J. B. Jones, Vol. I, pp. 284–5.
[2] *Memoirs of Mrs. Clement C. Clay*, p. 194.

shod and nearly all without overcoats, blankets, or warm clothing." One of his soldiers wrote to him anonymously that "although a gentleman, he had been compelled to steal" in order to satisfy his hunger. Some officers who dined with Lee about this time reported that the meal consisted of a dish of boiled cabbage with a diminutive slice of bacon in the centre, which latter was offered to and declined by all.[1]

On March 29, 1863, Stephens wrote: "Our country is in a sad condition. It is painful to me to look toward the future. I shrink from it as from a frightful gulf toward which we are rapidly tending. This is a general fast day, dedicated to humiliation and prayer—most appropriate duties." A little later on he might well have written that for too many citizens, as well as soldiers, every day had virtually become a fast day!

In the following extract from a letter written by Stephens describing his unsuccessful attempt to reach Richmond from his home in Georgia in the spring of 1864, we get an interesting glimpse of war-time in the Confederacy and some of the attendant hardships:

"A train is brought out [at Columbia, S. C.], and seven hundred and fifty Yankee prisoners marched out to be put on it. Another train brought out, and two hundred and fifty more Yankee prisoners marched out and put in. At the end of this train a passenger car is attached, all the others and all the cars of the first train being box cars. My conductor appears . . . takes me to the car and gives me a good seat. Baggage put on. I walk out on the platform before the car leaves. A great number of wounded soldiers standing about trying to get passage home; some with

[1] Henry A. White, *Life of Robert E. Lee*, pp. 516–519.

bandages on the head, some with arms in slings and some on crutches. In reply to their questions the conductor says they cannot go,—they must wait until tomorrow. Great murmuring in the crowd: 'They had been there two days waiting and without money.'—'No more care or thought is given to a wounded soldier than if he were a dog,'—such exclamations were common. . . . I take my seat in the car,—the man with a gun at the door lets me in. On this quite a number of the wounded soldiers get in at the windows. Conductor comes and makes them get out—they complain bitterly. Some one tells them, I suppose, that I was the Vice-President, for I hear some vociferous fellow say aloud, in a passion, 'I'll be damned if I don't go; I am as good as the Vice-President!' . . . I had gone to see Major Morphet, who had come down in charge of the prisoners, and urged upon him to send the wounded soldiers forward as soon as possible. Among the loudest complaints they were making was one that the Yankees should be sent on before them. Some of them swore in their wrath that the Yankees ought to be killed; but instead of that they were cared for more than the men who had been wounded in defending their country. I was truly sorry for them. . . . It was three o'clock when we got to Greensboro [next morning]. The water on the road had given out, and the hands had to haul it up with buckets at the creeks and branches. . . . Soon after starting, a soldier looking very weak and sick, and much emaciated, passed by me, looking for a seat. The conductor had given me a seat to myself, so I touched the soldier and told him to take a seat by me. He did so with a good deal of modesty as well as thankfulness. He evidently, from his manner, knew who I was. He seemed to be sick and not wounded . . . and was a mere boy. 'What regiment?' 'The Fifteenth Georgia. . . . I was taken sick . . . have been here three days trying to get on, but couldn't.' The poor fellow looked very badly. On my asking him if he had any money, he said he had

not a cent. I asked him if he had had anything to eat that day. Nothing since breakfast. I hauled out my basket and gave him as much as he wanted. Seeing others about looking anxiously on, I passed the basket round,—about half a dozen ate up what was laid in for our traveling lunch for some days. I was sorry I did not have enough for all."

The Confederate government was seriously embarrassed by its great accumulation of Federal captives, who necessarily shared in the common privations. With calomel at $20 and quinine at $100 an ounce, and the cost of other medicines to correspond, and with flour at $70 a barrel when the war was only half over, the best care of Federal prisoners in all cases would seem to have been impossible. Yet the mortality appears to have been greater in Northern than in Southern prisons. Secretary Stanton's report of July 19, 1866, as now found in the House Executive Documents, states that 22,576 Union prisoners died in the South and 26,436 Confederate prisoners in the North, while the total of Confederate captives is given as 220,000 and of Federal as "about 126,940." Stephens and Davis in their histories, and Hill in Congress, cited a subsequent report of Surgeon-General Barnes, estimating the whole number of prisoners in the South as 270,000. This Barnes report, though apparently not now included in the government's printed documents, is referred to by the *National Intelligencer* of June 2, 1869, in an editorial statement giving exactly the same figures, as having appeared "year before last" (1867). The policy of non-exchange persisted in by the Federal government, in spite of all the representations and propositions from the Confed-

erate, kept the prisons on both sides overcrowded and undoubtedly was the cause of much of the suffering and mortality.

Stephens was so moved by the spectacle of the hardships and needs of the great accumulations of prisoners in the South that in 1864 he urged that they be extended an unconditional discharge and sent home, supporting his suggestion by the argument that such an unexampled act of generosity would strengthen the anti-war party in the North. "These very unfortunate suffering prisoners," reads Stephens' argument—"suffering from the inhumanity of their own high officials, who had beguiled them by false pretexts into this crusade against unoffending neighbors—so relieved and sent home to the bosom of their families and friends by such an act of mercy on our part, I thought would be the most effective of instruments at our command for accomplishing this great end."[1] The answer to his remarkable proposal was that "if the Federal prisoners should be thus discharged, there would be no security for the safety of the equally suffering Confederates in Northern prisons," who "might be tried and executed for treason, as the privateersmen had been tried and condemned to death for piracy," and "had been saved only by the retaliatory course to which the Confederates had been compelled to resort." The policy of non-exchange, though apparently cruel, was no doubt justified at Washington on the ground that it would cause the sacrifice of fewer Northern lives in the end. It steadily weakened the Confederate armies, which found it increasingly difficult and finally impossible to renew their losses, while the unfailing sources

[1] Stephens, *A Constitutional View*, Vol. II, pp. 516–519.

of supply on the Federal side caused such losses to be of comparatively small account. The Federal government could well afford to sacrifice the aid of the vast number of prisoners held in the South in exchange for the privilege of keeping 220,000 Confederates away from the firing line.

In the midst of the distresses and perplexities overwhelming the Confederacy, its inexperienced government made mistakes that in some cases rendered the situation still more desperate. Why reflecting men should have enacted a law exempting large slaveholders, or those owning twenty negroes or more, from military service, passes understanding. Its prompt and easily foreseen result was to excite class feeling and bring forward the demoralizing and not in all respects unreasoning complaint that it was "a rich man's war and a poor man's fight." There were less than 400,000 slaveholders in the entire South, and just enough truth in the charge to render such an issue seriously damaging to the Confederacy's cause. The feeling thus aroused was no doubt fruitful of desertions during the latter half of the war, encouraging a certain half-heartedness that obtained among many of the poorer whites from the outset in spite of the fact that they shared in the universal dread of the consequences of emancipation. These Southern people of the lowly class in which Abraham Lincoln had been born, though as a rule very ignorant, were at least dimly conscious that slave labor was practically an insurmountable obstacle in the path of their own advancement. The deserters and those who fled from the conscript officers to the swamps and mountains were largely from this class. It was charged that even the rich who were not exempt were bribing

the conscript officers and buying their way out of the service, and that wealthy young men were elected magistrates in order that they might escape.[1]

There was a certain amount of plausibility in the plea that the large slaveholders were needed to raise provisions for the army, and, after quelling the bread riot in Richmond in 1863, Davis issued a pathetic appeal to them and all farmers to abandon cotton and raise food only. But too many large slaveholders went on growing cotton and secreting it for a future rainy day, or doing still greater injury to the Confederacy's cause by selling it across the lines into the North ; and it was largely these self-seekers and the heartless food speculators who were able to hold their own in the almost universal financial ruin that overwhelmed the South after the collapse of the movement for independence. The Richmond *Examiner* declared that the "apostate" cotton planters had "inflicted as heavy a blow upon the South as all the Yankee armies."[2] On July 21, 1863, the *Examiner* declared that "those rampant cotton and sugar planters, who were so early and furiously in the field for secession, and who after the war had commenced were so resolved on burning their cotton and destroying their sugar, not only did not burn and destroy in three cases out of four, but a great many of them, having taken the oath of allegiance to the Yankees, are now raising cotton in partnership with their Yankee *protectors* and shipping it to Yankee markets." The *Examiner* very pointedly added that

[1] Callahan, *Diplomatic History of the Southern Confederacy*, p. 46.
[2] *Writings of Jno. M. Daniel in the Richmond "Examiner" During the War*, p. 100.

"the want of tenacity of purpose and inflexibility of patriotism in the character of a class of Southern people is painfully conspicuous in these cotton transactions."

On the other hand, there were poorer men who patriotically sought to respond to the appeal of the Confederacy's sorely-tried chief. A verified instance may be mentioned of a Southern officer, who, although a professional man with comparatively little wealth, after being incapacitated for further military service by broken health, actually bought more negroes and began to raise provisions for the army at a time when the Confederacy was plainly near the end of its career and slavery was doomed. The modern financier may not admire him, but he was of the stuff that real patriots are made. Undoubtedly the majority of the people in the South were united in the desire for an independent political existence and were as willing to make enormous sacrifices in order to secure it as any people who have ever been engaged in a similarly exhausting struggle; but lack of public spirit was in evidence, and the world-old story of the selfish rich and the patriotic poor was told again in the Southern Confederacy. A demand for the diminution of the excepted classes was inevitable, and the exemption of overseers from eighteen to forty-five years of age was repealed. Davis finally recommended the abolition of all provisions involving or suggesting class exemptions, but the Congressional committee, apparently still yielding to outside influence, in its reply to a second recommendation of this nature, declared that the measures proposed by Mr. Davis to promote the efficiency of the army had already been adopted,

"except the entire repeal of class exemptions." [1] This important exception, which obtained up to the last hours, shows how strong was the influence brought to bear on the Congress in favor of the damaging policy. But, in any case, it was now too late. The mischief was done. The Confederate government had resorted to conscription, to impressment of food for the army, to the suspension of the writ of *habeas corpus*, and was finally driven to decide on the policy of enlisting negro slaves with the prospect of their emancipation in return for such military service; but its harassed and desperate President was unable to force the abolition of "class exemptions." "Over 100,000 landed proprietors and most of the slave owners are now out of the ranks," wrote J. B. Jones in his *Diary* on September 12, 1864 . . . "the result of the pernicious policy of partiality." [2] This is the exaggerated statement of a man whose family was suffering for the want of sufficient food, but it nevertheless contains no inconsiderable measure of truth.

The negroes, because they were employed in raising cotton and grain, have been usually reckoned as one of the Confederacy's assets, but their value in this respect was more than offset by the damage resulting from their presence in the South as slaves. As has been noted, overseers were excused from military service because they were needed to direct, watch over and guard the blacks. Acquiescence by intelligent non-slaveholders in this and other exemptions, such as that of the owners of twenty or more slaves, can be explained only on the ground of the general belief that

[1] The Richmond *Dispatch* of March 15, 1865, as quoted by Callahan.

[2] Vol. II, p. 281.

the South's safety required able-bodied and determined white men at home as well as at the front. The negroes in the mass were densely ignorant, and it was provided, as far as possible, that they should know little of what was taking place outside of the communities in which they lived. They were, moreover, remarkably docile on the whole, and in many instances attached by a childlike affection to the families of their masters; but it is absurd to suppose that the thinking men of the Confederacy were ever free of the fear of servile insurrections. The handicap of the negro did not end in such anxiety as this, or in the inevitable reduction of the number of white men available for military service. The presence of the negroes in the South as slaves not only furnished inspiration to a large element among those fighting for the Union, providing Lincoln rather than Davis with an asset of great value, but contributed more largely than any other factor to the Confederacy's failure after long and weary efforts to obtain recognition from the governments of Europe.

Both President Davis and Secretary of State Benjamin favored negro enlistments as a last resort, and the former recommended the policy in a message to Congress early in November, 1864. Some of the newspapers approved it, but the Richmond *Examiner* thought the proposition could be supported "only on the ground that good soldiers can be made of the negroes," which, judging from "the experiments of Europeans and the Yankees," was not to be expected. The North had raised its negro army "not as a military but as a political measure—to have the cant of the world on its side." Moreover, the plan was thought objectionable

as the inevitable "first step . . . to universal abolition"; and "to make a negro a soldier and free him as a reward is to confess that slavery is wrong."[1] There was also strong opposition from slaveholders as a matter of course. But by the opening of the year 1865, the *Sentinel* and the *Enquirer*, published at Richmond, had begun the task of winning the people over to the policy, the former declaring that "any sacrifice of opinion and sacrifice of property, any surrender of prejudice, if necessary to defeat our enemy, is now the watchword." Returning from Richmond early in January, George D. Prentice, of the Louisville *Journal*, declared that 200,000 negroes would soon be equipped to fight under promise of both liberty and land. On February 18th, General Lee wrote that he regarded the measure as not only expedient but necessary, inasmuch as the South's white population alone was insufficient to meet the necessities of a long war. He added that he thought the enlisted negroes should be set free, as it would be "neither just nor wise to require them to serve as slaves."[2] "From all the signs," wrote J. B. Jones, "slavery is doomed. But if 200,000 negro recruits can be made to fight, and can be enlisted, General Lee may maintain the war."[3] The reluctant Confederate Congress debated long in secret session and did not pass a bill for arming and emancipating 200,000 slaves until March 10th, when there was not sufficient time before the surrender of Lee on April 9th to put it into execution. Some

[1] The Richmond *Examiner*, November 8, 1864.
[2] Henry A. White, *Robert E. Lee and the Southern Confederacy*, pp. 416-417.
[3] *Diary* of J. B. Jones, Vol. II, p. 424.

initial steps against opposition were taken, however, in several States. "The parade of a few companies of negro troops yesterday" [in Richmond], reads the *Diary* of J. B. Jones, date of March 23, 1865, "was rather a ridiculous affair. The owners are opposed to it." The only men of negro blood of whom record is found, as fighting for the Confederacy, were certain mulattoes of Mobile whose ancestors were made free by the treaties with France in 1803. At their earnest request they were enlisted for the defense of Mobile in 1862 by authorization of the Alabama legislature, and a year later they were received into the Confederate service as heavy artillery.[1]

Meanwhile Lincoln had shrewdly employed the negro question for all it was worth as a means of weakening the Confederacy. His various proclamations and public utterances from 1861 to 1863, whether declaring free only those negroes "engaged in the rebel service"[2] (which virtually meant none), or recommending pecuniary aid to any State which might "adopt gradual abolishment of slavery,"[3] or giving assurances that if he could he would save the Union "without freeing any slave,"[4] were so timed and expressed that all factions, including slaveholding Unionists in the South and the border States, were kept hopeful. In September, 1862, it was made plain that the seceded States could preserve slavery within their limits only by winning the war, or secure compensation for their slave property only by abandoning

[1] Fleming, *Civil War and Reconstruction in Alabama*, p. 86.
[2] J. G. Holland, *Life of Lincoln*, Chap. 20.
[3] Horace Greeley, *The American Conflict*, Vol. II, Chap. 12.
[4] *Lincoln's Complete Works*, Vol. II, pp. 227–8.

their allies and seeking a separate peace—an offer adding greatly to the burden under which the Confederate government staggered at a time when the privations of the soldiers and people had already become severe, and the favorable issue of the conflict had begun to admit of grave doubt among thinking men. Even the final proclamation of January, 1863, freed the negroes only in the States "in rebellion" and left them slaves in the "loyal" sections of Southern and the border States, causing the London *Times* to see in the purpose of the pronouncement nothing better than "the execrable expedient of a servile insurrection." But when Lincoln finally secured the ratification of the Thirteenth Amendment, admitting the "mining camp" of Nevada into the Union as a State and not scrupling to buy a few votes in order to compass that end, it being "a question of three votes or new armies,"[1] he no doubt achieved his long-desired but unavowed object.

Among those prominently connected with the Confederate government, perhaps the only man capable of a course along similar large, bold and revolutionary lines was Robert Toombs, whose quality was revealed when, in addressing the Georgia legislature before that State had seceded, he recklessly declared: "I ask you to give me the sword, for if you do not give it to me, as God lives, I will take it myself." Toombs was the qualified leader, had he been in supreme command, to have ordered a prompt march upon Washington after the battle of Bull Run, and to have gathered promptly all the possible fruits of its capture. But Davis, true to the theory that the Confederacy merely wished to defend the right of secession

[1] Oberholtzer, *Life of Lincoln*, p. 306.

and repel the invader, that there was neither the right nor the desire to attack the "sister States" which chose to remain with the old Union, opposed any such aggressive action, and thus was lost what was perhaps the Confederacy's only opportunity of success ever within its grasp. A sincere, high-minded man, no less a patriot and less of a revolutionist than Lincoln, more scrupulous as to means and methods, Davis was disqualified for his position, as well by his admirable personal virtues as by his lack of the needed Napoleonic spirit and devotion to the theory of the most successful leaders in all ages that the end justifies the means. The odium visited upon the head of the chosen leader, the burden bearer, of a lost and discredited cause has inevitably prevented a recognition of his superior qualities as a man as well as of the purity of his motives as a statesman. The one leader, barring the most popular commanders in the field, who retained the admiration and affection of the Southern masses to the last—because of his consistent devotion to his principles throughout the struggle and his manly fortitude and dignity under misfortune afterward—Jefferson Davis was not enough of a revolutionist to be able to grapple successfully with the overwhelming difficulties confronting him as President of the ill-fated Southern Confederacy. His regard for the constitutional limitations that were supposed to hedge him round was such as no revolutionary leader could afford to cherish. Lincoln, on the other hand, acted on the theory, and the only one possible with success in view, that the Constitution of the United States was temporarily suspended, and that a war President, confronted with such unusual conditions, must be virtually a dictator,

providing for extra-constitutional acts and decisions at will, and without the delays and hazards of debate.

As a revolutionary leader, Stephens was more unfit in this respect than Davis, his fear of extra-constitutional acts and invasions of the rights and liberties of the people, even in the hours of a supreme crisis when there was room for desperate measures or none, amounted almost to a monomania. This tendency, as will be shown, led him to such extremes that, although his motives were those of a sincere lover of popular liberty, he by his open criticism of and resistance to the adopted policies of the Confederate government and predictions of evil to come, without knowing or intending it, rendered aid to the enemies of the cause he represented. It was from these misguided protests of Stephens that the North not unreasonably derived the erroneous impression that Davis was an autocrat by nature and a dictator in fact. It would have been better for the Confederacy, so far as prospects of success were concerned, if its President had been more of a dictator, if he had dared to ignore altogether the protests of the Vice-President and retire their author to private life.

Stephens was less and less consulted by his chief as the war progressed, but his criticisms were effective in causing a more timid policy on the part of the Confederate government than otherwise would have obtained. Fear of consequences alone prevented an open rupture, Stephens's influence with the people, especially in the powerful State of Georgia, being too great to be lightly dismissed. And here we find one of the important factors contributing to the failure of the South in the war. The single Southern States

were strong, but the Confederacy itself was weak. The conditions were altogether similar to those during the struggle of the loosely-connected Colonies against Great Britain. The Confederate government, knowing that it could ill afford to antagonize influential State leaders and the powerful sovereign States they represented, dared not act more fully on the advice of those who answered Stephens with the pointed argument that independence was the immediate and should be the all-absorbing object, and that civil liberty might receive due attention afterward. That there should have been this difference between the Washington and Richmond governments from the outset was an inevitable consequence of the fact that Southern statesmen, comparatively speaking, had always been opposed to a strong central government, and the habits of thought acquired during a lifetime were not to be changed in a moment.

Davis spoke from the accepted, consistent, but disastrous defensive policy—urged by Stephens from the beginning—when, in his letter to Pope Pius IX, September 23, 1863, he said: "We desire no evil to our enemies, nor do we covet any of their possessions; but are only struggling to the end that they shall cease to devastate our land . . . and that we be permitted to live at peace with all mankind, under our own laws and institutions."[1] The defensive policy was only in a measure modified by the marching of Lee's army across the Pennsylvania boundary line. Even after the battles about Gettysburg, the Richmond *Examiner* complained that it was still in force and scoffed at the "milk and water spirit" which it involved.

[1] From manuscript letter in the Congressional Library.

"In the outset of the conflict," said the *Examiner*, "when we could have invaded the North, we stood on the defensive from a desire felt by our government not to excite a war feeling in our enemies; and lately in carrying invasion to their own doors, we purchased our supplies at fair prices, in the hope, by thus heaping coals of fire on their heads, to excite some contrition for the barbarities they have committed in our own confines, and dispose them to peace. The strange and fierce contrast to this amiable Southern feeling which the Northern government has exhibited in its conduct of the war, presents a subject of serious reflection. . . . Peaceful sentiments and overtures on our side are worse than vain; and they only imply a trifling imbecility in our councils." [1]

Some days earlier, on July 11, 1863, while Lee was still on Pennsylvania soil, discussing that general's orders "forbidding pillage and marauders," the *Examiner* urgently called for "retaliatory punishment on the nation that has desolated the Southern country," bitterly complained of a policy which "gives the Yankee the same protection as our own people," and contemptuously informed the government at Richmond that "there are few persons in this Confederacy who boast the philosophy of milksops in war, and would have our armies enact the part of Uncle Toby and the fly."

Some disposition to abandon the defensive policy developed only when the golden opportunity had fled. So likewise only the logic of events and the spur of dire necessity finally drove Davis farther from constitutionalism and nearer to dictatorship, inevitable exi-

[1] The Richmond *Examiner*, July 28, 1863.

gencies in the stupendous conflict tending to give the executive will the force of law. Thus it came to pass that criticism from the other leaders rained upon him more heavily than before, and even the people to some extent turned and accused him, restoring to him their complete respect and lasting affection only after the dread collapse when, with feelings of inexpressible outrage, they saw him martyred in the irons of a common malefactor.

The last year of the Confederacy was a fitting preparation for its tragic downfall. A hopeless achievement had been undertaken and its hopelessness was more widely understood than acknowledged. Despair pervaded the intellectual atmosphere, and there developed the inevitable tendency in each man to accuse his neighbor. Confederate and State authority clashed, and it was feared that some of the complaining States might make a separate peace with the common enemy. The Vice-President accused the President, Congress defied the Executive, and the latter, in the midst of crowding difficulties such as few mortals have ever been called upon to face, struggled on in the service of a cause visibly tottering to its fall, his every act branded in some quarter as a mistake for the simple reason, if for no other, that no movement of the Confederate government could now be crowned with success without supernatural interference and the employment of miracles. The people who suffered for the want of food and medicines had a natural right to complain of their leaders, and ask for the hastening of the inevitable end, but it ill became secessionist newspapers, as fully responsible as any of the leaders, to turn upon the government and upon Davis.

The disposition to accuse the Confederacy's chief because of accumulating disasters, which no man or men could have stayed under the same conditions, was stimulated by such journals as the Richmond *Examiner*, which began with the abuse of Lincoln and ended with the emptying of its vials on Davis, and the Charleston *Mercury*, which had been Calhoun's organ in the forties, had boomed secession in 1850–1, and again in 1860. The Macon *Telegraph*, which was secessionist as far back as 1850, in the spring of 1865, bitterly complained of the "ultraists of both sections," the "men who were governed alone by an insatiate and restless ambition," who "were satisfied only to rule or ruin"—these were the "guilty parties," the "instigators of this war," and were responsible for the woes of the South. There were Southern editors, however, who, apprehensive of results, refused to report Wigfall's bitter and vindictive speeches against Davis.

Long before the last terrible months when the exhausted and starving Confederacy was gasping for its breath, its representatives were greatly embarrassed by the threatening opposition of some of the State governments as well as by the controversies between the highest officials. Secession from the Confederacy seemed to be impending. Governor Vance of North Carolina uttered threats, and the attitude of Stephens, Toombs, and Governor Brown caused the fear that Georgia was in danger of making a separate peace. In the hour of the darkest temptation all the States remained true, as when Governor Brown sent his thrilling reply to Sherman's overtures; but Davis had previously found it necessary to go South and deliver speeches in defense of the government he represented.

The tottering Confederacy was not only fighting against incalculable odds in men and resources, not only suffocated by the blockade and weakened by the pangs of hunger, but was distracted by divided counsels and embarrassed by internal dissensions. What it accomplished in spite of all is a marvel of history.

The best that was in the South of 1861–5 was not represented by its soulless speculators, its exempted slaveholders, its self-seeking cotton planters, its incriminating newspapers, or its contending statesmen, but by its inconspicuous people who remained true in the midst of cruel privations, by its soldiers who stood on the firing line with empty stomachs and did not flinch, and by its women who gave their jewels[1] and the labor of their hands to feed and clothe the men in gray. Lord Wolseley, former commander-in-chief of the British army, ranked Lee with Marlborough and Wellington and described him as the greatest military hero of modern times. Theodore Roosevelt has expressed the belief that "the world will never see better soldiers than followed Lee, and their leader will undoubtedly rank without any exception as the very greatest of all the great captains that the English speaking people have brought forth."[2] But the supreme tribute to the genius of Confederate captains and to the valor of their followers is to be found in the Federal pension roll which forty years after the great conflict contained nearly twice as many names of wounded veterans as the Confederates had in the field during the entire four years of war. The Southern States have contributed through taxation in

[1] *Diary* of J. B. Jones, Vol. II, p. 453.
[2] Theodore Roosevelt, *Life of Benton*, p. 38.

various forms, and without any return, about one-third, or $50,000,000 a year, to keep alive this monument to Confederate valor. Few direct war indemnities have been as heavy; fewer still have been a similar source of pride.

The women of the South were not one of the Confederacy's handicaps. Their tireless hands and those of the slaves they directed went far toward supplying the lack of cotton and woolen mills, saving in no small measure both the army and the population from the rags and tatters that threatened them. They contrived to dress their daughters in "a kind of gray poplin" woven from cotton mixed with old black silk that had been raveled into lint, yet the time came at last when it was necessary to pay $25 for a single spool of cotton thread.[1] J. B. Jones noted, August 14, 1863, that "everywhere the ladies and children"—including "Mrs. Davis and the ladies of her household"—"may be seen plaiting straw and making bonnets and hats."[2] Delicate women, reared in luxury, were hardened to the sight of blood and nursed wounded soldiers day and night, with coffee of parched potatoes and tea of strawberry leaves as their only stimulants.[3] "No house had an idler," wrote Dr. Curry. "Hands of the aged and of children were busy in the field, in the garden, in the kitchen, at the spinning wheel and the loom, and all were helping in works of charity and of patriotism"; women of the highest class were engaged in "the management of households and planta-

[1] Charleston *News and Courier*, "Our Women in War" edition, January 17, 1905.
[2] *Diary*, Vol. II, p. 16.
[3] Charleston *News and Courier*, January 17, 1905.

tions and servants, leaving the men free for war and civil government." [1]

But more than all else were these resolute and untiring women a tower of strength in their sustained enthusiasm. They rewarded the brave, punished the craven, and fanned the flame of patriotism, regardless that the land was made full of widows and maidens bereft of their lovers. They suffered and feared more than the men in battle and did not ask for peace. They knew the terrible risks incurred in an invaded country,[2] yet war to the end was their desire. It was God's mercy to them that the sleeping tiger was not yet aroused in the submissive alien from Africa. The "Women in War" editions of Southern newspapers have overflowed with accounts of their bravery, quickness of wit, and invincible determination. A young Confederate officer, recovered from his wound and about to return to the front, was saved from a searching party of Federals by a Tennessee girl, who, "without waiting for his decision, pushed him back into an adjoining room where there was a piano and bade him crouch by the piano stool, upon which she promptly sat, literally extinguishing him with her balloon-like crinoline skirt." Not being required to change her position until the room had been searched, the desperate measure succeeded. The only reward she claimed for thus saving a soldier for the Confederacy was that soldier's silence.[3] "We mean to destroy all

[1] J. L. M. Curry, *Civil History of the Confederate States*, pp. 169–171.

[2] On the approach of the invaders all citizens who could afford to do so sent their families to distant points. Unexposed sections of the South were full of such homeless "refugees" during the entire war.

[3] Charleston *News and Courier*, January 17, 1905.

your food,"[1] said certain young Federals to several Carolina girls who treated them with scorn even in sight of burned and looted Columbia. "Very well; we will live on acorns," was the answer. "But we will kill all your men, and what will become of you then?" "Then we will die—or form an army of women"—a reply that brought into the faces of the foe "mingled expressions of scorn, tenderness and humor." The girl writer of the diary adds that the Federal officers with whom she and her friends were engaged in this passage at arms "received the most nauseous doses of truth gilded with smiles." "We knew that our churches, the graves of our dead, our beloved homes, our future, were in the hands of our enemies, but we were determined that they should see no sign of regret or faltering." The women of the Confederacy were invincible. To a lady whose conduct had excited his admiration, one of Sherman's officers said: "Madam, the men of the South are brave, but the women are heroic."

To the brief outline given in this chapter of the privations endured by the people of the South must be added some mention of the damage done by the invading armies aside from the costs of battle. In 1864, although he announced that the Confederates had in their ranks "their last man," having "robbed the cradle and the grave equally to get their present force," Grant urged that the Union troops "eat out Virginia clear and clean so that crows flying over it would have to carry their provender with them." How this policy was carried out may be gathered from Sheridan's report to Grant from Woodstock, Va., October 7, 1864,

[1] Charleston *News and Courier*, January 17, 1905.

as follows: "In moving back to this point, the whole country from the Blue Ridge to the North Mountains has been made untenable for a rebel army. I have destroyed over 2,000 barns filled with wheat, hay and farming implements; over seventy mills filled with flour and wheat; have driven in front of the army over 4,000 head of stock, and have killed and issued to the troops not less than 3,000 sheep. A large number of horses have been obtained, a proper estimate of which I cannot now make. Lieut. John R. Meigs, my engineer officer, was murdered beyond Harrisonburg, near Dayton. For this atrocious act *all the houses within an area of five miles were burned.*" [1]

Sherman's policy in Georgia and the Carolinas was the same. In his report to Major-General Halleck from Savannah, January 1, 1865, describing his seizure and destruction of property on the march from Atlanta, he said he had carried away "more than 10,000 horses and mules as well as a countless number of slaves," and added, "I estimate the damages done to the State of Georgia and its military resources at $100,000,000, at least $20,000,000 of which has inured to our advantage, and the remainder is simple waste and destruction." [2] Writing to Major-General Terry from Fayetteville, N. C., March 12, 1865, Sherman said: "We have swept the country well from Savannah here. . . . The people of South Carolina, instead of feeding Lee's army, will now call on Lee to feed them." [3] Sherman to Grant, December 16, 1864: "I

[1] *Official Rebellion Records*, Series I, Vol. XLVII, Part II, pp. 307–308.
[2] *Official Rebellion Records*, Series I, Vol. XLIV, p. 13.
[3] *Ibid.*, Vol. XLVII, p. 803.

have no doubt the State of Georgia has lost by our operations 15,000 first-rate mules. . . . Great numbers of horses were shot by my orders."[1] Sherman to Halleck: "We must make old and young, rich and poor, feel the hard hand of war."[2] Sherman disclaimed responsibility for the burning of Columbia, but that he expected it is clear from his letter to General Halleck, December 24, 1864, in which he said: "I doubt if we shall spare the buildings there as we did at Milledgeville [the old capital of Georgia]. . . . The whole army is burning with an insatiable desire to wreak vengeance on South Carolina. I almost tremble at her fate, but feel that she deserves all that is in store for her."[3] This is sufficient confirmation of the belief of a Northern soldier that Columbia was "deliberately set on fire in more than a hundred places."[4] Southern eye-witnesses have repeatedly testified to the firing of the city by Union soldiers, and also that country dwelling-houses all along Sherman's route were reduced to ashes. A startling account of the scenes at Columbia, written by William Gilmore Simms, appears in Appendix M, Vol. II, of Stephens's *Constitutional View of the War*, but there is sufficient testimony in the government's own *Records*, wherein the discreet excisions marked by asterisks are sometimes more eloquent than the actual statements.

Discussing "the most monstrous barbarity of the barbarous march"—the burning of Columbia—and Sherman's devastation of South Carolina generally,

[1] *Official Rebellion Records*, Series I, Vol. XLIV, pp. 726–7.
[2] *Ibid.*, Vol. XLIV, p. 799.
[3] *Ibid.*, Vol. XLIV, p. 799.
[4] W. B. Hazen, *Narrative of Military Service*, Chaps. 23–25.

Mr. Whitelaw Reid has said: "The last morsel of food was taken from hundreds of destitute families that his soldiers might feast in needless and riotous abundance. Before his eyes rose, day after day, the mournful clouds of smoke on every hand, that told of old people and their grandchildren driven, in midwinter, from the only roofs there were to shelter them, by the flames which the wantonness of his soldiers had kindled. With his full knowledge and tacit approval, too great a portion of his advance resolved itself into bands of jewelry thieves and plate-closet burglars." [1] The government's *Records* contain all the confirmation of this showing that any one can desire. Major-General O. O. Howard, writing from Rice Creek Springs, S. C., February 20, 1865, to Major-General F. P. Blair, Jr., calls attention to "the most outrageous robberies of watches and jewelry, etc.," and adds: "A case has come to my notice where a watch and several articles of jewelry were stolen by a foraging party under the eye of the commissioned officer in charge. Another where a brute had violently assaulted a lady by striking her, and had then robbed her of a valuable gold watch.[2] In one instance . . . an officer with a foraging party had allowed his men to take rings from the fingers of ladies in his presence." [3] Two such Union for-

[1] Whitelaw Reid, *Ohio in the War*, Vol. I, pp. 475–479.

[2] *Rebellion Records*, Series I, Vol XLVII, Part II, p. 505.

[3] A letter dated February 26, 1865, from a lieutenant in Sherman's army to his wife in Boston, which fell into Confederate hands and was published in the Macon *Telegraph*, February 17, 1907, reads in part as follows: "We have had a glorious time in this State. Unrestricted license to burn and plunder was the order of the day. . . . I have at least a quart of jewelry for you and all the girls—and some No. 1 diamond rings and pins among them. . . . Tell Sallie I am saving a pearl bracelet and earrings for

agers being shot by Confederates and "labeled" as a warning to their kind, Sherman in retaliation ordered that Confederate prisoners be selected, shot, and left along the roadside also "labeled" in warning.[1] Brevet-Major C. R. Woods, reporting to his superior from Columbia, February 17, 1865, refers to "the countless villains of every command that were roaming the streets" of that hapless city on the night of the conflagration.[2] Doubtless it was the same "countless villains" who on the march through Georgia slashed their swords through old family portraits, smashed fine china, split open pianos and organs with axes, loaded themselves with silver, robbed citizens of their watches, violently pulled earrings from the ears of unprotected women, and who at Greenville, in order to force the surrender of supposed hidden treasure, twice hanged Judge Hiram Warner, of the State Supreme Court, leaving him for dead.[3]

her. But Lambert got the necklace and breastpin of the same set. I am trying to trade him out of them. These were taken from the Misses Jamisons, daughters of the president of the South Carolina secession convention." The writer, whose full name is given, stated that officers disguised as privates took part in the looting expeditions, and that all officers from the highest to the lowest received a share of the spoil more or less bountiful according to their rank, there being fixed and definite rules of division. The share of a single officer of the highest rank "in gold watches and chains alone at Columbia was two hundred and seventy-five (275)." This charge, as will be observed, is not supported by the emphatic protest of Major-General O. O. Howard quoted above.

[1] *Rebellion Records*, Vol. XLVII, Part II, p. 537.

[2] *Rebellion Records*, Series I, Vol. XLVII, Part II, p. 547.

[3] His grandson, Mr. H. Warner Hill, of Atlanta, in a letter dated January 19, 1907, says: "They took a long leather halter, tied one end around his neck and the other to a sapling and let it go. With a jerk he was swung up and rendered unconscious, and was cut down in that condition." When he revived they repeated their demands, he was again swung up, "and this time they lowered him and left him on the ground for dead." They then set

The American who would like to believe in native stock from the Canada line to the Rio Grande is embarrassed to know where to place Sherman's "bummers," and finds himself hoping that most of them were of the European scum enlisted in the Northern armies. Sherman himself, though he fully lived up to his own theory that war is hell, was in one particular far more considerate than the harpies that flocked into the conquered country after the fighting was done. In his letter to General Halleck, December 31, 1864, he said: "I would deem it wise so far to respect the prejudices of the people of Savannah as not to garrison the place with negro troops. It seems a perfect bugbear to them." [1] And to General Grant on the same date he wrote: "Five thousand men will be plenty and white troops will be best, as the people are dreadfully alarmed lest we garrison the place with negroes. You know that people have prejudices that must be regarded. Prejudice, like religion, cannot be discussed." [2]

On June 23, 1864, Stephens wrote hopefully: "Temporary invasion is not conquest. The loss of property may be great, the devastation appalling; still, so long as our army is preserved the work of the enemy is unaccomplished. We may all be subjected to privations and sacrifices; these can be borne, not only for six months, but for years, if the right spirit is

fire to their victim's buggy, says Mr. Hill, and the flames "caught the dry leaves which burned up to where my grandfather lay, and the heat, as I have often heard him say, revived him." With a great effort he saved himself from the flames and reached his house, where he lay seriously ill for days.

[1] *Rebellion Records*, Series I, Vol. XLIV, p. 842.

[2] *Ibid.*, p. 841.

kept alive with our people." This is true enough—with certain reservations. Stephens forgot that even the most patriotic citizens and the bravest soldiers—particularly the latter—must eat. Nor had he then heard of Sheridan's work in Virginia, or of Sherman's in his own State, and he could not realize how extensive and absolutely "appalling" would be the "devastation" of Georgia and the Carolinas during the following autumn and winter of 1864–5.

CHAPTER XIV

STEPHENS OPPOSES DAVIS'S POLICIES

With Alexander H. Stephens State sovereignty and the protection of the liberties of the people were ingrained principles, and these, together with a lively fear that the Confederate government might exercise larger powers than those granted it by the seceding States, were chiefly responsible for his too open and therefore damaging opposition to certain policies of that government. It seemed to be impossible for him to sink the question of the rights of Georgia and of the people even temporarily in the larger question of the needs of the Confederacy in time of war when ordinarily doubtful expedients might be legitimate because of imperative necessity.

Dissatisfied from the outset with the Confederate President's exercise of the appointing power, he was soon disturbed over the administration's failure to make what he regarded as a judicious use of available resources, particularly in the matter of cotton, and he promptly opposed the policy of conscription as dangerous and possibly fatal, as tending to check the ardor of the people, and as hostile to the rights of the States individually. He was further alarmed by the suspension of the privilege of *habeas corpus* and the subordination of the civil to the military power in some sections of the country. To his mind under no circumstances could the exigencies of war justify these conditions—which he unconsciously magnified—and it was in vain

that the supporters of the administration urged, with force, that the immediate object of the struggle was independence, not civil liberty, that liberty might well be sacrificed to independence temporarily, and that after the one was secured the other could readily be restored.

It may be that the policy of conscription was resorted to too soon, for never was a response to a call for volunteers more prompt and enthusiastic than in the Southern States during 1861, but the facts brought to notice in the preceding chapter clearly indicate that the policy was necessary later. Aside from the question of necessity, conscription is entirely defensible on the ground that it distributes the burdens of war among the unwilling as well as among the patriotic and responsive. Stephens, however, was confident that volunteers in plenty would have come forward, and while at home in Georgia in the spring of 1862, he pronounced the conscription act very bad policy. "Conscripts will go into battle as a horse goes from home," he said; "volunteers as a horse goes toward home." Among his friends he also described the Confederate Congress as a "very poor" one. "There are few men of ability in the House; in the Senate not more than two or three." The only real energy he could discover in the Confederate government "resembled that of a turtle after fire has been put on his back." His discouragement led him to extreme statements. "The day for a vigorous policy is past," he lamented. "It is too late to do anything. I fear we are ruined irretrievably." On February 26, 1862, he wrote to Linton Stephens: "The message of the President, sent into Congress yesterday, surprised me.

It is not such a paper as I or the country expected. But we have to bear what we cannot mend." He complained often of Congress in a similar way.

"I am unremitting," he wrote, August 27, 1862, "in my efforts to get Congress to awaken to the heavy responsibility resting upon them at this crisis to save our constitutional liberties." A few days later he complained of "the readiness with which our people surrender most important and essential constitutional rights to what for the moment they consider the necessity of the case," as, for example, the "submission, without a murmur, to the usurpations of commanding generals in their orders of impressment, establishing martial law, appointing provost marshals and governors in certain localities," etc. "All such orders," he declared, "are palpable and dangerous usurpations, and if permitted to continue will end in military despotism. There is nothing that has given me half so much concern lately as these same military orders and usurpations. Not even the fall of New Orleans or the loss of the *Virginia*. Better in my judgment that Richmond should fall, and that the enemy's armies should sweep our whole country from the Potomac to the Gulf than that our people should submissively yield obedience to one of these edicts of our own generals. I do not question the patriotism [in such acts] . . . but it is the principle involved."[1] Yet in the same paragraph he inconsistently speaks with horror of worse conditions under Lincoln's government. "It requires no statesmanship to see that the North is already a despotism complete and fearful. There will never, I apprehend, be any-

[1] Johnston and Browne, pp. 419–20.

thing like constitutional liberty in that country again."

It is plain from these utterances how far apart were the Vice-President of the Confederacy and those of its representatives who desired first of all to win the war by vigorous measures and every possible means, leaving constitutional liberty and ideal civil government to be secured afterward. It pained him that the people "seem willingly and even patriotically to be yielding to usurpations," and no thought apparently occurred to him that his own unquestioned patriotism might be unwisely directed in this matter. Again and again he points to Lincoln's extra-constitutional acts and the methods of the Washington government as a frightful example. "The North to-day presents the spectacle of a free people having gone to war to make freemen of slaves, while all they have as yet attained is to make slaves of themselves." It is true that the North as well as the South passed through a revolution during the seventh decade of the nineteenth century, and that the government of the United States was never quite the same afterward, but it is no less true that those who would win a war cannot afford to stop too often in the midst of hurrying events and debate the question of constitutional powers and limitations. Stephens really seems to have been half-hearted—without knowing it—as a result of the scruples noted. Certainly his utterances would appear to show that he was more concerned about maintaining the constitutional rights of the Southern people than about winning the war.

While at home in Georgia in the spring of 1862 he told his friends that he would not soon return to

Richmond. "I can do no good there," he said. "The policy of the government is far against my judgment, and I am frequently embarrassed on account of this difference." For this reason, and because of his feeble health and the difficulties of travel during the war, he was absent from the Confederate capital much of the time. At one period he was not seen there for nearly a year and a half. He remained at home from February 1, 1862, to August of that year, from October, 1862, to May, 1863, and from July 10, 1863, to December 5, 1864. During this last long interval he made one effort to reach Richmond—in May, 1864—but, discouraged by the delays and hardships of travel, he abandoned the attempt in North Carolina and returned to Georgia. He finally reached the capital in December, 1864, and extended his last visit there about two months, until after the Hampton Roads Conference, when, on February 9, 1865, he started on his homeward journey. "The opposition of Mr. Stephens to the policies most in favor at Richmond," explains his biographer and friend, Richard Malcolm Johnston, "left him no choice but to remain, as far as possible retired from public affairs, except when imperative duty summoned him."[1]

The relations of Stephens and Davis were at first agreeable and confidential. "We are all here harmonious and united," the former wrote from Montgomery, May 14, 1861. "Every one feels the dangers that surround us, and every one seems determined to do his whole duty. Private considerations have all merged in the public safety." But such harmony did not last. In January, 1863, Stephens stated that

[1] Johnston and Browne, p. 430.

he was on good terms with Davis personally and added: "He used to send for me often to consult with me; but since the government has been removed to Richmond he has done so but once. . . . This was in November, 1861."[1] Stephens expressed ignorance of the cause of the "change" in Davis, but the reader of the former's letters and speeches finds no difficulty in arriving at a satisfactory explanation. It was inevitable almost from the beginning that the Confederacy's President should have asked the confidential advice of his associate only when that course seemed imperative. Stephens undoubtedly chafed in his inactive rôle of Vice-President, such an officer being little more than a mere chairman of the Senate unless his chief should will otherwise. "I have strong inclinations to resign my position," he wrote on December 23, 1864, giving as his reason that he could "never approve doctrines and principles which are likely to become fixed in this country."

He, however, was no figurehead when he was present in Richmond; he seems virtually to have been a leader of the opposition to the administration of which he was a member. He inspired action in the Confederate Congress by private discussion with its members, and once he even demanded the right to speak on the floor of the Senate, as will later appear. Writing from the capital, August 27, 1862, on the subject of the declaration of martial law and the subordination of civil to military authority in certain localities, he said:

"I have not been idle in attempting to arouse our members of Congress, both in the Senate and the

[1] Johnston and Browne, pp. 426–7.

House, to the importance of arresting these proceedings. . . . I got Mr. Semmes, the most sensible man in the Senate, to introduce resolutions there requiring the Judiciary Committee to report on these questions. That Committee is now at work, and matters are progressing favorably. I have got Semmes to agree with me that *no power* in this country can establish martial law; neither the President nor Congress, much less a general in the field. Congress may suspend the writ of *habeas corpus*; but that is the utmost extent to which they can go. . . . I have pointed out six plain and palpable violations of the Constitution in these military orders. I am unremitting in my efforts, in a calm and dispassionate manner, to get Congress to awaken to the heavy responsibilities resting upon them in this crisis to save our constitutional liberties; and I am glad to say that my efforts have thus far met with more success than I anticipated when I saw the general apathy prevailing at first. . . . The President, I am informed, has written to all the generals revoking these orders of martial law, and telling them they have no power to assume such authority."

When, in December, 1864, Stephens wrote to his brother in Georgia of his "strong inclination" to resign his position as Vice-President because of his disapproval of his government's policies, he referred to a movement in the House again to suspend the writ of *habeas corpus*, and to his effort (an offer of $220) to induce the Richmond *Whig* to republish Judge Taney's decision against such a policy,—adding: "If this bill passes in such form as it is most likely to pass, I do trust Governor Brown will issue his proclamation advising the justices of the inferior courts in the State to disregard it until the matter may be adjudicated by our own Supreme Court. If that court shall decide

the act to be constitutional, I shall feel very little further interest in the result of the conflict. It will simply be a contest between dynasties—a struggle between two powers—not for rights or constitutional liberty, but for despotism." There could scarcely be harmonious relations between the Confederate President and Vice-President after the latter had reached such a frame of mind as this.

Stephens did not share in the delusive hope of recognition by England and France, taking the view that there was no real sympathy in Europe for either the Union or the Confederacy. "Were I the President," he wrote in September, 1862, "I should forthwith recall all my ministers or commissioners abroad. European powers look upon this war with a complication of views. Their interests prompt them to side with us, but the feelings prompted by these interests are about equally balanced by their aversion to slavery. They had become very jealous of the United States as a great and growing power. Its example as a republican government was becoming dangerous to them. They therefore rejoice to see that strife now raging here which, if left alone, will, in their judgment, end in the destruction of republicanism on both sides of the line. England and France do not intend to recognize us, I think, so long as we show ability to weaken, cripple, and injure the Northern government."

Practically the same view was expressed by others a few months later. In January, 1863, the recall of the commissioners from Europe was urged in the Confederate Congress, and the belief was expressed in the Richmond newspapers that the English policy was to

let the war continue long enough to destroy the strength of both North and South. In favoring the return of the envoys, the *Examiner*, greatly exasperated, referred to them as "now waiting in the servants' halls and on the back stairs." Their reports were mostly discouraging, but Congress did not vote for their recall and they remained at their posts. After long residence in London and anxious observations of all phases of the conditions, Mason reported to Secretary Benjamin that what influenced both parties in England against recognizing the Confederacy was not so much the slavery question as "the fear of war with the United States," and "a tacit conviction in the English mind that the longer the war lasted the better for them, because of the consequent exhaustion of both parties." [1] French diplomacy was even more inherently selfish, the breaking up of the United States being regarded by the Emperor as favorable to his schemes of colonial expansion. Louis Napoleon dreamed of "a *pied-à-terre* on the Florida coast," and even of recovering a foothold in Louisiana.[2] The Confederate government was informed as to this, but Secretary Benjamin caused it to be clearly understood that "we do not intend to allow ourselves to be made a convenient instrument for the accomplishment of the designs of others." [3] The reluctant decision to sacrifice slavery as the price of recognition and of success came too late.[4] The London *Times* found it convenient in

[1] *Messages and Papers of the Confederacy* (Richardson, 1905), Vol. II, p. 710.
[2] *Confederate Archives* (MSS. Vol. 80—Benjamin to Slidell, Feb. 7, 1863), in the Treasury Department, Washington.
[3] *Ibid.* (MSS. Vol. 80—Benjamin to Slidell, June 23. 1864).
[4] *Journal of the Confederate Congress*, Vol. VII, p. 786.

January, 1865—when the exhaustion of the Confederacy was apparent to European observers—to announce that an offer to abandon slavery would be useless, as recognition was withheld for many other reasons; and when, in the following March, Mason proposed to the Earl of Donoughmore (a warm friend of the Confederacy) to go to Lord Palmerston and offer abolition for recognition, it was "replied that the time had gone by now, especially as our fortunes seemed more adverse than ever" (after Sherman's devastating march).[1] It was at last clear to the authorities at Richmond, as it seems to have been clear to Stephens as far back as September, 1862, that all efforts to obtain recognition from Europe were more than vain.

As early as January, 1863, Stephens had noted an ominous change in the attitude of the British press. In a letter written on the eighteenth of that month, discussing a recent message of President Davis, which —barring the "recommendation of the States guaranteeing a portion of the Confederate debt," and the "boast about the working of the conscript laws"—he pronounced "decidedly the best on the whole, that has yet emanated from him," Stephens went on to say: "I have been wondering with myself for some time as to what it is that has caused the change in the leading British press toward us and our cause. There evidently has been such a change. This time last year, before that and up to midsummer, the London *Times* and other papers were more friendly to us than they have been since." He attributed this to the influence of Lord Lyons, the British Ambassador at Washington, "an Abolitionist of the Palmerston and

[1] *Messages and Papers of the Confederacy*, Vol. II, p. 717.

Seward school," during his visit to England in the summer of 1862. The indications are that it was due to the fact that even then shrewd British observers were arriving at the conclusion—and the representations of Lord Lyons may have hastened the process—that the Confederacy would eventually be overcome.

Financial embarrassments were among the Confederacy's gravest. The States of the Union, retaining control of all the machinery of government at Washington, began the war with a full treasury, unlimited credit, and other advantages of incalculable value. The new Confederate government was hardly born when it became involved in an exhausting war for which it was in no way prepared, except in the rare good quality of the enthusiastic volunteers who took the field. It had to break new ground in every direction and began with an empty treasury. To raise an army was easy, but the problem of securing guns, ammunition and a navy was one that could never be more than partially solved, in view of the blockade excluding munitions of war from an agricultural section practically without means for their manufacture. The question of revenue pressed from the first. In a private letter written May 14, 1861, Stephens said:

"One of the great pressures now upon us is the want of money. Our expenditures are upon a basis of not less, I suppose, than forty millions per annum. How are we to get the money? Loans, treasury notes, and direct taxes are our only expedients. Taxes to meet interest on bonds and treasury-notes must be raised. It is thought that one-quarter of one per cent. on the property of the Confederate States will be

sufficient. This will make the Confederate tax in Georgia about four times what our State tax has been for several years. Independence and liberty will require money as well as blood. The people must meet both with promptness and firmness."

Customs duties were a slender reliance when every incoming vessel had to run the blockade, and a burdensome war tax on the people became imperative. This, in part, took the form of a tax in kind on all farm products, the farmer being "allowed to retain fifty bushels of sweet and Irish potatoes, one hundred bushels of corn, or fifty bushels of wheat, twenty bushels of peas or beans, and a certain amount for raising hogs."[1] Horses and mules and also slaves were impressed for working on fortifications. But no expedients could prevent the ruinous depreciation of the Confederate currency. By October 1, 1864, six months before the collapse, the public debt had risen to $1,126,381,025. Naturally the value of cotton as an available asset, the Southern States having a virtual monopoly of this great staple, was much discussed. Many in the South were disposed to rely on it as a political as well as a commercial power, that would force recognition from Great Britain at the demand of her suffering cotton-manufacturing population; but difference of opinion was wide and no settled policy developed until it was too late to attempt any such plan of export as was from the first advised by Stephens. On this subject he said in a speech in October, 1862:

"I was in favor of the government taking all the cotton that would be subscribed for eight per cent.

[1] Curry, *Civil History of the Confederate States*, p. 110.

bonds at a rate as high as ten cents a pound. Two millions of bales of the last year's crop might have been counted on as certain on this plan. This at ten cents, with bales of average weight, would have cost the government one hundred millions of bonds. With this amount of cotton on hand and pledged, any number, short of fifty, of the best iron-clad steamers could have been contracted for and built in Europe,—steamers at the cost of two millions each could be procured. Thirty millions would have got fifteen of these, which might have been enough for our purpose. Five might have been ready by the first of January last (1862) to open some one of the ports blockaded on our coast. Three of these could have been left to keep the port open, and two could have conveyed the cotton across the water, if necessary. Thus the debt could have been promptly paid with cotton at a much higher price than it cost, and a channel of trade kept open till others, and as many more as necessary, might have been built and paid for in the same way. At a cost of less than one month's present expenditures of our army, our coasts might have been cleared. Besides this, at least two more millions of bales of the old crop on hand might have been counted on; this, with the other, making a debt in round numbers to the planters of two hundred million dollars. But this cotton held in Europe until its price shall be fifty cents a pound, would constitute a fund of at least one billion dollars, which would not only have kept our finances in sound condition, but the clear profit of eight hundred million dollars would have met the entire expenses of the war for years to come."

At this time, October, 1862, Stephens still advocated a determined effort to carry out his idea, although it was no doubt then too late to do so with any considerable success. General Joseph E. Johnston has been quoted as saying that as the blockade was not fully

effective for nearly a year after it was instituted, the Confederate government could have shipped 4,000,000 bales of cotton to England and sold it to advantage. On the other hand, Secretary Memminger pronounced such a scheme impracticable, declaring that, as the blockade had been instituted in May, 1861, it would have required four thousand ships to get the cotton out before that time. He pointedly argued that private enterprise shipped as much as a government without a navy could have exported.

The "cotton famine" policy, which Davis and others favored as a means of compelling the recognition of England, was at first partially successful owing to the blockade, the price of the staple rising to fifty cents in England and falling to eight cents in the South; but in the end it failed completely, as a result of the cotton "leaks." Thus it would appear that the plan of making cotton a purely commercial asset, if promptly adopted, might have had a considerable measure of success and strengthened the Confederacy's slim chances of securing a navy. Even as it was, cotton was finally made the basis of a loan negotiated through agents in London and Paris in 1863. The bonds for this loan bore interest at seven per cent. and were exchangeable for cotton or redeemable at par. The security was the Confederacy's engagement to deliver the cotton not later than six months after peace between the belligerents.[1] With this end in view the Confederate government collected about 250,000 bales, the whole of which vast store was later seized and appropriated by the United States government.[2]

[1] Jefferson Davis, *Rise and Fall of the Confederacy*, Vol. I, p. 496.
[2] Curry, p. 128.

Stephens was earnestly opposed, and apparently with good reason, to the plan of those who urged a complete cessation of cotton culture and the destruction of the stock on hand in the belief that England would thus be forced to raise the blockade. In his speech of October, 1862, quoted from above, he said: "The great error of those who supposed that King Cotton would compel the English ministry to recognize our government and break the blockade, and who will look for the same result from the total abandonment of its culture, consists in mistaking the nature of the kingdom of the potentate. His power is commercial and financial, not political." As late as 1864 it was contended in the South that if the cotton were withheld from abroad, if the "leak" were stopped, a cotton crisis in England would follow and Manchester would force the ministry to recognize the Confederacy. But the cotton "leak" was never, and probably could never have been, closed. The enterprise of private speculators, to whom personal gain was everything, kept it continually flowing. It was to the interest of the United States government to make the leak as large as possible, and the purchase of the products of the Confederate States was therefore authorized. The result, according to George McHenry's *Cotton Crisis*, published at Richmond in December, 1864, was a constant outflow of cotton from Arkansas, Louisiana and Texas. Necessity at last compelled the Richmond government itself to widen the leak, the Confederate cotton agent in Mississippi, for example, being authorized in September, 1864, to sell cotton in exposed districts to United States agents for gold. It was also traded for salt by permission of the government.

Eventually there was a steady flow of the staple to both England and the Northern States. It has been estimated that after September, 1863, England received indirectly from the Confederacy an average of 4,000 bales a week. This cotton went out through Mexico as well as across the Northern boundary line and through the ships of blockade runners. G. B. Lamar, of Savannah, who had five ships at his disposal, wrote Secretary Memminger in March, 1864, that he could readily arrange with the Federal commander of Fort Pulaski to permit his ships to pass, and he proposed taking out cotton and bringing in munitions of war, charging one-half for freight.[1] The latter part of the programme was the only difficulty. In April, 1864, General Lee put in force regulations to prevent cotton passing across the lines to the North except when permitted by the Confederate government. The "leak" was not a trickling stream, but a river, and the "famine" policy was a dream. The export plan might have had better success in the beginning. If the Richmond authorities in 1861 had immediately seized all the cotton (paying for it when able) and had shipped as much of it abroad as possible before interrupted, the results would have been materially different. But undoubtedly the obstacles in the path of this bold and prompt action were very serious. The Confederate government was new and inexperienced, feeling its way, and conscientiously questioning its own constitutional right to do this or that; it was essentially weak, and, with good reason, feared to offend the single States by which and out of which it had been formed; the sudden blockade of Southern ports had not

[1] *Diary* of J. B. Jones, Vol. II, p. 178.

been expected, and, moreover, the ships to carry out the cotton on short notice were not to be had.

In the study of every phase of the conditions, the suggestion forces itself upon the mind of the enquirer that the Southern Confederacy fought against fate as well as against physical odds.

CHAPTER XV

DISASTROUS INTERNAL DISSENSION

BOTH before and after the war Alexander H. Stephens was of great use to his section, but during that struggle, when he had finished rendering valuable assistance in the formation of the Confederate government and the drafting of its Constitution, his services were negative rather than positive, and were more than offset by the damage done through his open opposition to that government's chosen policies. Doubtless there was always much to criticise, but judicious criticism would have been more constructive in character and would have been uttered in private councils. The objections of Stephens, too often founded on an academic ideal of model civil government in time of peace, at first reached the public through conversations with and letters to friends, and finally from the platform itself, becoming an important factor in the growth of a more or less disaffected element in Georgia and elsewhere. Speaking from the standpoint of the Confederate government, still determined to struggle on and hoping to win, Stephens and his friends must be said to have wearied of the war and to have shown an open and damaging willingness to consider the question of asking for peace too soon.

It seems to have been in his mind as early as January, 1863, when, in a private letter, he discussed the possibility of the return of the Southern States to the

Union with slavery, and concluded that after the Emancipation Proclamation this could never be accomplished. Under his influence about this time, Linton Stephens proposed to introduce resolutions into the Georgia legislature, the Vice-President of the Confederacy assisting in their formulation, one paragraph of which reads: "Resolved, that while we regard the said Conscript Acts as thus violating the Constitution of the Confederate States, and involving principles dangerous to liberty as well as subversive of the sovereignty of the States . . . yet, under existing circumstances, we waive all opposition to their present execution, reserving to ourselves the use of such remedies as may be demanded by any future emergency."

Apparently unaware that, through such activities as these, seeds of State and individual disaffection were being sown, Stephens about the same time comments skeptically on reports of a serious resistance to the Lincoln administration in the Northwest. "It is very much like accounts heralded in Northern papers of the disaffection among us," he says, and adds truly enough: "The great majority of the masses, both North and South, are true to the cause of their side." In March, 1863, he wrote deploring the conscript law even in the North and declaring that Lincoln had been a dictator from the first.

In a letter of the same date he urged that the Confederate Congress ought to do something to "sustain our finances," already on the verge of collapse, yet within a month he wrote: "I do hope our State will not endorse the Confederate bonds; but I see A. expresses the opinion that the bill for this purpose will

pass by a large majority. . . . Those who vote for it will rue it if they live. The whole scheme is radically wrong in purpose. The responsibility of creating debt and providing for its payment ought to rest on the same shoulders. . . . State endorsement cannot add a particle to the credit of the bonds in case of success in establishing independence." But the establishment of independence already permitted of doubt in the minds of millions, including Stephens himself who had so expressed himself in a private letter a few weeks earlier. The Confederacy might fall to pieces, but the States would endure, and without their endorsement of the bonds there would seem to have been scant hope of sustaining its tottering finances, a need which Stephens recognized as urgent. Was he already thinking more of Georgia's than of the interests of the ill-fated confederation of which that State was a part?

On June 28, 1863, Stephens wrote from Richmond: "The state of the controversy on the condition of affairs between the two governments in regard to the exchange of prisoners is in a very unsatisfactory condition. We are upon the eve of the bloodiest and most barbarous system of retaliation. The enemy refuses to exchange any prisoner; they hold all our prisoners to retaliate upon if we execute such officers as may be captured leading negro troops. Whether anything can be done to avert this result I do not know. I am willing to do all I can, but am not hopeful."

His letter of June 30th announced that the Confederate government had agreed for him to attempt to open negotiations with Lincoln. He had written to Davis on June 12th, proposing such a mission, not

only to discuss a settlement of the prisoner question, but possibly to lead to "a general adjustment acceptable to both parties, and stop the further effusion of blood." [1] It was not intended as a peace mission at all, Stephens explained afterward—not contemplating "any overture or direct offer of terms of any sort"—and he saw no reason for any disposition to look upon it in that light at Washington. "With less than five hundred thousand men in all, from the beginning up to this time, the Confederate armies had brought the enemy, numbering more than a million, during the same period, almost to a standstill," he said, and therefore he thought the Confederate government was in a position to take the lead in an effort "at least to adjust the vexing prisoner question and mitigate the horrors of war." He could not foresee that before the mission could be accomplished events at Gettysburg and Vicksburg would materially alter the situation. When he reached Richmond and learned that Grant was pressing Vicksburg and that Lee was invading Pennsylvania he changed his mind about the propriety of the undertaking at that time, but Davis and his cabinet saw no reason for deferring a conference on the prisoner question and the conduct of the war.

With this understanding Stephens started northward. The battles at Gettysburg were fought before he reached Newport News. There he and his party were detained two days while the proposition for the conference was held under consideration at Washington. Meanwhile Vicksburg surrendered. After this second disaster to the Confederacy the reply came from Lincoln that no com-

[1] Stephens, *A Constitutional View of the War*, Vol. II, pp. 559–566.

missioners sent to discuss the subjects named in the correspondence would be received, or as Stephens wrote home on July 10th, "the proposition was rejected by the enemy after deliberating on it two days." A peace conference was not the object, he having merely suggested it as a possible outcome; but in view of the ubiquitous Northern spies in Confederate territory and the freedom with which Stephens was in the habit of speaking and writing to his friends, it was inevitable that it should be promptly concluded at Washington that thoughts of peace were behind the proposal, that it should have been looked upon there as a confession of weakness, and that action should be taken accordingly. It was probably a greater mistake than the Hampton Roads Conference, because it was not due, like the latter, to the counsel of necessity.

In the continuance of his now favorite occupation of criticism, Stephens wrote on January 1, 1864, that "those at the head of our affairs" seem to "have had no policy," and that they have been "all along like the Tennessee lawyer, 'trusting to the sublimity of luck and floating upon the surface of the occasion.'" He adds: "But I will not croak or grumble; I am a patient looker-on, that is all"—an utterance as unconsciously humorous as that of the Tennessee lawyer.

On March 16, 1864, Stephens accepted an invitation to address the legislature of Georgia on the state of public affairs. In this speech he sought to inspire his hearers with hope and courage in spite of accumulating misfortunes, and then proceeded to attack the conscription and *habeas corpus* acts as dangerous to the

liberties of the Southern people. "War is being waged against us by a strong, unscrupulous and vindictive foe," he said. "From this quarter threaten the perils without. Those within arise from questions of policy." It was these latter which seemed to trouble him most and to which he now devoted nearly the whole of his speech before the legislature.

Of "the Tax Act and Funding Act, known together as the Financial and Currency Measures," he wished only to say that in his judgment they were neither proper nor just; a much graver question, he thought, was "the military act by which conscription is extended so as to embrace all between the ages of seventeen and fifty, and by which the State is to be deprived of so much of its labor, and stripped of the most efficient portion of her enrolled militia." By this system, he declared, "almost all the useful and necessary occupations of life will be completely under the control of one man. No one between the ages of seventeen and fifty can tan your leather, make your shoes, grind your grain, shoe your horse, lay your plough, make your wagon, repair your harness, superintend your farm, procure your salt, or perform any other of the necessary vocations of life (except teachers, preachers and physicians, and a very few others)[1] without permission from the President. This is certainly an extraordinary and dangerous power." The advocates of the policy would have promptly answered that the time had come when extraordinary efforts were necessary to

[1] The "other" exceptions included men who owned twenty or more slaves, and the slaves themselves to the number of nearly four millions, who were trained in the industrial arts as well as in agriculture.

replenish a depleted army, and that without them defeat was certain in the near future.

Of the suspension of the writ of *habeas corpus*, Stephens said that "it *does* affect others, and large classes of others, than spies, traitors, bridge-burners, and disloyal persons," and that it threatened every citizen with the malignant accusations of personal enemies. "If there be traitors," said he, "let them be constitutionally arrested and punished"—a plan perfectly correct in itself, but which took no account of the exigencies of war. He said he had heard that one object of the act was "to control certain elections and certain expected assemblages in North Carolina, to put a muzzle upon certain presses, and a bit in the mouth of certain speakers of that State. If this be so, I regard it as the more dangerous to public liberty. The surest way to check any inclination in North Carolina to quit our sisterhood, if any such really exist, is to show her people that the struggle is continued as it was begun for the maintenance of constitutional liberty." [1]

He said that some doubtless thought it "for the best interests of the country to have a dictator," but that in his opinion the most dangerous and delusive arguments were taking this form: "Can you not trust the President?" "To the question of whether I would not or cannot trust him with these high powers not conferred by the Constitution, my answer is: I am utterly opposed to everything looking to or tending toward dictatorship in this country. There is no man living and not one of the illustrious dead, whom, if now living, I would so trust." He concluded this remarkable address as follows:

[1] Cleveland, *Letters and Speeches*, pp. 761–786.

"I would not turn on my heel to choose between masters. I was not born to acknowledge a master from either the North or the South. I shall never choose between candidates for that office. I have no wish or desire to live after the degradation of my country, and have no intention to survive its liberties, if life be the necessary sacrifice of their maintenance to the utmost of my ability. As for myself, give me liberty as secured in the Constitution with all its guaranties, amongst which is the sovereignty of Georgia, or give me death.

"Senators and representatives! the honor, the rights, the dignity, the glory of Georgia are in your hands! See to it, as faithful sentinels upon the watch-tower, that no harm or detriment come to any of those high and sacred trusts, while committed to your charge."

Cleveland's bracketed note declares that this utterance was received with "immense cheers and applause." No doubt there was also prodigious satisfaction at Washington when the reports were read of this speech with its sensational rhetoric, its attack on the adopted policies of the Confederate government, its implied assault on the Confederacy's chief, its hint of the possible secession of North Carolina, and its suggested threat of the secession of Georgia as a more honorable course than to bow the knee to an alleged new "master."

The prompt results in Georgia were the "Habeas Corpus" and the "Peace" Resolutions, presented in the legislature by Linton Stephens, and adopted by that body. The former set forth that "all seizures of the persons of the people by any officer of the Confederate government without warrant, and all warrants for that purpose from any but a judicial source" are "unrea-

sonable and unconstitutional"; that "cases of arrest ordered by the President, Secretary of War, or general officer commanding the Trans-Mississippi Military Department . . . and the whole [Habeas Corpus] act itself . . . are unconstitutional; that in the judgment of this General Assembly the said act is a dangerous assault on the constitutional power of the courts, and upon the liberty of the people; . . . and

"5th. That as constitutional liberty is the sole object which our people and our noble army have, in our present terrible struggle with the government of Mr. Lincoln, so also is a faithful adherence to it on the part of our own government, through good fortune in arms and through bad, one of the great elements of our strength and our final success; because the constant contrast of constitutional government on our part with the usurpations and tyrannies which characterize the government of our enemy, under the ever-recurring and ever false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal, and of inspiring the people of the North more and more with a desire and determination to put an end to a contest which is waged by their government openly against our liberty, and as truly but more covertly against their own."

The Georgia "Peace Resolutions" of March, 1864, began with a quotation from the Declaration of Independence on the subject of the derivation of a government's "just powers from the consent of the governed," and the people's right to abolish the old and institute a new government when their safety and happiness required such action. The resolutions proceeded to argue the "perfect" right to separate from

the Union inalienably belonging to "each of the States, to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever." The wrongs of the Southern States were recited, and the Northern State governments upbraided for their Constitution-nullifying enactments, termed "personal liberty" laws. Then followed this highly interesting paragraph:

"5th. That the reasons which justified the separation when it took place have been vindicated and enhanced in force by the subsequent course of the government of Mr. Lincoln,—by his contemptuous rejection of the Confederate commissioners who were sent to Washington before the war, to settle all matters of difference without a resort to arms; thus evincing his determination to have war,—by his armed occupation of the territory of the Confederate States, and especially by his treacherous attempt to reinforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the jurisdiction of his government; thus rendering war a necessity, and actually inaugurating the present lamentable war—by his official denunciation of the Confederate States as 'rebels' and 'disloyal' States for their rightful withdrawal from their faithless associate States, while no word of censure has ever fallen from him against those faithless States who were truly 'disloyal' to the Union and the Constitution, which was the only cement to the Union, and who were the true authors of all the wrong and the mischief of the separation; thus insulting the innocent by charging upon them the crimes of his own guilty allies,—and finally by his monstrous usurpations of power and undisguised repudiation of the Constitution, and his mocking scheme of securing a 'republican' form of government to sovereign States by putting nine-tenths of the people under the dominion of one-tenth who

may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutionalism in the North as well as in the South." [1]

The resolutions went on to say that the war was a "huge crime" justly chargeable upon the North, but that nevertheless it was the duty of both sections to seek by all possible means to avoid further "participation in the guilt of its continuance" and to "use their earnest efforts to put an end to this unnatural, un-Christian and savage work of carnage." Therefore the Confederate government was recommended, "immediately after signal successes to our arms, when none can impute its action to alarm," to make the United States government "an official offer of peace on the basis of the great principle declared by our fathers in 1776," with the further understanding that the border States be left free to join the Northern Union or the Southern Confederacy as they might see fit.

The opinion was expressed that this course on the part of the Confederate government would "weaken and sooner or later break down the war power of our enemy, by showing to his people the justice of our cause." The idea seemed to be that if the Northern masses could be once convinced that the Lincoln administration had abandoned constitutional government

[1] Lincoln suspended the writ of *habeas corpus* as early as April 27, 1861, but did not bring about a conscription act until March, 1863, having more than four times as large a population to draw from as Davis had. The extent of Lincoln's hold on the Northern public seems not to have been realized in the South and the strength of the Northern anti-war party to have been extravagantly overestimated.

and that the South was consistently upholding that principle, they would repudiate the former, and a peace honorable to both sections, leaving both in freedom, would result. Only impractical doctrinaires could have entertained such a hope, for it was manifest that neither the Northern nor the Southern masses cared anything about constitutional government for the moment, and were interested only in seeing the war brought to an issue favorable to their respective sides. It was significantly added— and here the attack on the Davis administration was but thinly disguised—that such a proposal of peace by the Confederate government "would be regretted by nobody on either side, except men whose importance or whose gains would be diminished by peace, and men whose ambitious designs would need cover under the ever-recurring plea of the necessities of war."

The resolutions prepared and offered by Linton Stephens ended here, but, the majority of the legislature being unwilling to go as far as the Stephens party (who not without plausible ground were charged with disloyalty to the Confederacy), an amendment was offered and adopted in the form of an added paragraph to the resolutions, as follows:

"8th. That while the foregoing is an expression of the sentiments of this General Assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms, and until the independence and nationality of the Confederate States are established upon a permanent and enduring basis."

As they would naturally be expected to do, most of the Southern newspapers severely criticised Stephens's address before the Georgia legislature, and the resolutions which followed it, as damaging to the Confederacy's cause. Looking back in 1870, Stephens declared that he could see no just reasons for these criticisms. He believed the resolutions "would make a deep impression upon the minds of all true friends of constitutional liberty" in the North and have an influence upon the presidential election of that year. "I then thought," he explained, "and still think that if the Southern press had given these resolutions a cordial endorsement instead of censuring them, if all the Southern States had passed the same or similar resolves, and if the Confederate administration at Richmond could have been brought into cordial approval and cooperation, the result of the presidential election in the Northern States that year [1864], would have been the displacement of the Centralists from power at Washington, and with that the final results of the war would have been far different and, in my judgment, far better for the Northern States as well as for the Southern States." [1]

It may justly be observed that these results depended on a formidable "if," and that it might have been wiser first to ascertain through agitation in secret conference whether all this coöperation could be obtained, and to await the possibility of concerted action. As it was, undoubtedly the effect on the friends of State rights and of peace in the North took the form of discouragement rather than encouragement; for it evidently led the war party there to the perfectly reason-

[1] Stephens, *A Constitutional View of the War*, Vol. II, p. 537.

able belief that the seeds of disintegration had already sprung to vigorous life in the Southern Confederacy and that that ill-starred government was tottering to its fall. Instead of leading toward such peace (with independence) as the South wanted, it showed that such peace as the North wanted was nearer even than there had been good reason to hope, and caused a more energetic and confident prosecution of the war toward that end. The effect on the Southern soldiery and people was also the opposite of that intended. Instead of encouraging the troops to "enter the fight with renewed vigor," and assuring the people that their sufferings and privations would not be in vain, as Stephens supposed, it led them to fear that already their cause was lost, and it put into their minds the distressing suggestion that, after all, their reward, if successful, might be no more than a change of "masters."

If Stephens had traitorously desired the success of the Union cause, while pretending to labor in the interests of the Confederate, he could not have hit upon a scheme better adapted to the forwarding of his secret purpose, and the indirect accusation of Benjamin H. Hill after the war that such was his real object, though it cruelly wronged the Vice-President, is not to be wondered at altogether. It would appear that in this matter Stephens was rendered insensible to actual conditions by the intensity of his devotion to his chosen political theories. His love of State rights, home rule, and strictly constitutional government, and his passion for individual liberty (for all except negro slaves) blinded his eyes both to the necessities of war and to the inevitable consequences of his chosen course. It is due to him to add in this connection that the

independence of the eleven States of the Confederacy was not all he had in view. He dreamed of a greater confederation founded on the Montgomery constitution, which many more of the States, perhaps a large majority,—after the "Centralists" were displaced at Washington—might join, with the result of a purged, perfected and happier Union than had yet been known. This "higher and grander" object he discusses with some plausibility and much force in his *Constitutional View of the War*.[1] That he could seriously have hoped for the accession of any Northern or Northwestern State to a Confederacy pledged to the perpetuation of slavery is further evidence of the curious myopia restricting his otherwise extended intellectual view wherever this subject was concerned. It is also evidence, strange as this may sound to some ears, of his reverence for and faith in the Constitution of the fathers,—a reverence so unbounded and a faith so complete that he still dreamed of successfully calling the Northern tier of States from Maine to California to a repentant allegiance to that repudiated section of it which recognized the institution of slavery and provided for the inter-State recovery of escaped bondmen.

A significant result of Stephens's speech before the Georgia legislature and the resolutions of that body in March was Sherman's message to the Confederacy's Vice-President and to Georgia's governor in September. After the invader had taken Atlanta on September 2, 1864, and while preparing to continue his march across the State to Savannah, he sent "a hearty invitation" (as he himself said in his dispatch to General Halleck on September 15th) to both the

[1] Vol. II, pp. 524–531.

dignitaries named to visit him and discuss the question of a plan of peace, apparently supposing that both, judging from all that he had heard, would be ready to consider the terms of a separate peace for their State. Governor Brown, of Georgia, as well as Governor Vance, of North Carolina, had come into conflict with the authority of the Confederate government, and the former's critical attitude as well as that of Stephens had influenced sentiment in the State. In the course of his message to the legislature in the previous March, Brown had said:

"Those who are unfriendly to State sovereignty and desire to consolidate all power in the hands of the Confederate government, hoping to promote their undertakings by operating on the fears of the timid, after each new aggression upon the constitutional rights of the States, fill the newspaper presses with the cry of conflict, and warn the people to beware of those who seek to maintain their constitutional rights as agitators or partisans who may embarrass the Confederate government in the prosecution of the war. Let not the people be deceived by this false clamor. It is the same cry . . . which the usurpers of power have ever raised against those who rebuke their encroachments and refuse to yield to their aggressions. . . . Georgia stands ready at all times to do her whole duty to the cause and to the Confederacy; but while she does this, she will never cease to require that her constitutional rights be respected and the liberties of her people preserved." [1]

In other words, Georgia, under Governor Brown, would bow to the decrees of the Confederate govern-

[1] Fielder, *Life of Joseph E. Brown*, p. 309.

ment—even in the midst of a great crisis—only so far as she saw fit. Put to the real test, all the other Southern States would no doubt have asserted as emphatically the individual sovereignty which all claimed. The Southern Confederacy died of many diseases, and not the least of these was the very principle of State sovereignty which caused it to come into existence.

Stephens's written answer to the agent, Mr. William King, who brought Sherman's message, was characteristic. He said that there was no sacrifice "short of principle and honor" he would not be willing to make in order to end this "fratricidal war"; but that the entire absence of any power on his part to enter into negotiations, and the like absence of any such power on the part of the invader himself, so far as appeared from his message, necessarily rendered an acceptance of the invitation impossible. "In communicating this to General Sherman," Stephens wrote further, "you may also say to him that if he is of opinion that there is any prospect of our agreeing upon terms of adjustment to be submitted to the action of our respective governments, even though he has no power to act in advance in the premises, and will make this known to me in some formal and authoritative manner, I would most cheerfully and willingly, with consent of our authorities, accede to his request thus manifested, and enter with all earnestness upon the responsible and arduous task of restoring peace and harmony to the country, upon principles of honor, right and justice to all parties."

Governor Brown's reply was brief and to the point, vindicating the honor of Georgia as a confederate of the seceded States:

"Say to General Sherman that Georgia has entered into a confederation with her Southern sisters for the maintenance of the same sovereignty of each, severally, which she claims for herself, and her public faith thus pledged will never be violated by me. Come weal or come woe, the State of Georgia shall never, by my consent, withdraw from the confederation in dishonor. She will never make separate terms with the enemy which may free her territory from invasion and leave her confederates in the lurch." [1]

So Sherman marched on to the sea (practically without opposition), devastating a path from forty to sixty miles wide and inflicting damage, according to his own account, to the amount of $100,000,000, four-fifths of which, as he declared, was "simple waste and destruction." Could Governor Brown have saved the country below Atlanta from all this by agreeing to a separate peace? At any rate, he thought so, and he disdained the temptation, as the united sentiment of the State would have demanded that he should do.

[1] Fielder, *Life of Joseph E. Brown*, p. 311.

CHAPTER XVI

THE INEVITABLE COLLAPSE

WITH the beginning of the year 1865 the collapse of the Confederacy was clearly in sight. Sherman had virtually crushed opposition in the far South and Lee's army in Virginia was weak and staggering, like a starved and wounded man, as a result of masterly but prolonged and ceaseless efforts to protect Richmond from seizure by the overwhelming forces under Grant. All attempts to obtain foreign recognition had failed. The Confederacy's financial resources were exhausted. Semi-starvation faced the army, and even the citizens at many points. The people were discouraged, and many soldiers were deserting a hopeless cause. Yet Stephens still urged a return to constitutional government within the Confederacy's limits as the one and complete panacea for all these ills. He "still believed that by an entire change in the policy of the administration the success of the cause might yet be secured."

This led to his speech in January before the Confederate Senate, in which he consistently argued his position and produced a visible effect upon that body, so long out of accord with the Davis administration, the accumulation of disasters inevitably leading to accusations, charges and counter charges between the different branches of the government. A bill still further to suspend the writ of *habeas corpus*

having passed the House and come before the Senate, the vote on it was a tie. Announcing this result from the chair, Stephens stated that it was his duty to cast the deciding vote, but before doing so he desired to give his reasons for opposing the measure.[1] The question of his right to do this was raised, and a senator proposed to change his ballot so as to settle the matter without any vote or expression from the presiding officer. Stephens ruled that a vote could not be changed after the result was announced. An appeal was taken, the decision of the chair set aside, and the Senate adjourned. The object of this action, which greatly incensed the Vice-President, was to cut off a speech which many no doubt believed would be damaging to the interests of the Confederacy. Stephens caused the retiring senators to be informed that he would at once resign, and he then "left the Senate chamber never intending to reënter it." The next day he received a resolution unanimously passed by the Senate requesting him to address that body in secret session on the condition of affairs. Not his right to speak, but the propriety of a public speech from him that would be reported in the newspapers was what had been questioned.

Yielding to urgent solicitation, Stephens returned to the Senate chamber and, without resuming the chair, addressed the assembly from the floor. The burden of this speech, which was not reported, was that the Confederacy's policy should be "speedily and thoroughly changed,"[2] in the matter of conscription, impressments, the suspension of the writ of *habeas*

[1] *Journal of the Confederate Congress*, Vol, IV, pp. 385–7.
[2] Stephens, *A Constitutional View of the War*, Vol. II, p. 587.

corpus, etc. It was advised that proclamation be made putting an end to all compulsory methods, and it was confidently predicted that such a course would in thirty days bring more recruits to the army than conscription had brought from the beginning. Stephens also objected to the policy of holding posts against besieging armies, and of engaging in pitched battles, since it was impossible to match the enemy in outfit and numbers, and therefore, "by attrition alone" the latter could ultimately prevail—a result that had virtually been accomplished already. There was point in his contention that the leading object now should be "to keep an army in the field, to *keep the standard up*" wherever possible, while avoiding the exhaustion of direct battle, except when there were decided advantages in favor of the Confederates. This very policy, however, the Southern generals, driven by necessity, had long followed to a large extent. The case of the capital city was chiefly in Stephens's thought, but he states that he left his hearers to draw their inferences. To Davis alone he spoke fully on this point, and the response was that "the abandonment of Richmond would be a virtual abandonment of the cause."

Being requested to put his views in the form of resolutions, Stephens produced what amounted to another series of futile propositions suggesting peace but not offering the concessions without which it was now clear that it would never be granted. It was resolved that the President of the Confederate States be requested to permit three persons appointed by the House of Representatives to pass through the lines and obtain an informal interview with the Washing-

ton authorities, or their representatives, with a view of inaugurating negotiations for peace on the basis of the sovereignty and independence of the States at war. "Should this effort fail," concluded the resolutions, "we shall have the consolation of knowing that we, in our high and responsible trusts, have done our duty . . . and the rejection of this overture by the President of the United States will afford additional evidence that he is waging this unnatural war not for the good of his country but for purposes of the most unholy ambition." Writing to his brother, Stephens said that, in urging on the Senate the propriety of such an overture, he asserted that "we had ten friends in the North to one in any other part of the world." He explained that he did not mean "men who were in favor of disunion, but men who really had the same interests at stake in the contest that we have—the preservation of State rights and Constitutional liberty."

It was at this stage of affairs that a distinguished supporter of the Washington government appeared in Richmond. This was Francis P. Blair, Sr., who had previously been on friendly terms with Davis, and whose son, Montgomery Blair, was now in Lincoln's cabinet. He came to the Confederate capital "with the consent, though not by the request" [1] of Lincoln, sought a consultation with Davis, returned to Washington, again appeared in Richmond, again talked privately with Davis, and departed for Washington.[2] On

[1] Greeley's *American Conflict*, Vol. II, Chap. 30.

[2] Blair stated in his report that the first question he asked, on the answer to which he believed everything depended, was "whether he [Davis] had any commitments with European pow-

the day after Blair's final departure Davis invited Stephens to a private interview and told him that the unofficial commissioner from Washington had suggested a course by which a suspension of hostilities might be effected. "This was to be done by a secret military convention between the belligerents," wrote Stephens five years later,[1] "embracing another object which was the maintenance of the Monroe Doctrine, in the prevention of the establishment of the then projected empire in Mexico by France." Nicolay and Hay unjustly describe it as a proposal for "a joint filibustering foray," and declare that it could never have been endorsed by Lincoln, whose "whole interest in Mr. Blair's mission was in the despondency of the rebel leaders which it disclosed." [2] It is surprising that the Confederate authorities did not promptly realize that this alone was the real object in view at Washington. Blair's report indicates that there was reserve on the part of Davis and that it was necessary to promise him that this time he would not suffer from the crooked diplomacy of Seward, but would deal with the President himself. "Mr. Seward," said Blair, "would betray any man, no matter what his obligations to him, if he stood in the way of his selfish and ambitious schemes"; but "this matter, if entered into at all, must be with Mr. Lincoln himself." [3] Doubtless it was partly this promise, thus made by Blair, that

ers which would control his conduct in making arrangements with the United States," and that Davis answered "in the most decisive manner that there were none, that he had no commitments." —Nicolay and Hay, Vol. X, p. 96.

[1] *A Constitutional View*, Vol. II, p. 591.

[2] Nicolay and Hay, Vol. X, p. 108.

[3] *Ibid.*, Vol. X, p. 105.

induced Lincoln to attend the Hampton Roads Conference in person.

When called into consultation with Davis, Stephens asked if Blair really represented the government at Washington, and was told that he had disclaimed speaking by authority, but had declared his belief that the administration would be willing to enter into the arrangement proposed. The attempt of the Confederate States to establish a separate independence would certainly fail, urged Blair, and the proposed joint expedition into Mexico would be the means of the ultimate and amicable restoration of the Union. The Confederate leaders might have doubts as they listened to so extraordinary a suggestion, but their position was similar to that of drowning men catching at straws. The fact that they listened at all was a confession of hopelessness, and it seems not to have occurred to them that to make sure of such a confession was Lincoln's object in permitting the mission. In the consultation with Stephens, Davis submitted two letters that had passed between Lincoln and himself through the medium of Blair (the same that appear in Lincoln's message on the Hampton Roads Conference), his own expressing a desire for peace between "the two countries" and Lincoln's a desire for the restoration of peace to "our common country." Stephens states that he advised that the Confederate government go at least as far as to enter into a conference, and that it be between Davis and Lincoln personally. But Davis was opposed to this, preferring to send three commissioners. When Stephens found later that he had been appointed as one of these, with Judge Campbell and R. M. T. Hunter, he objected on the

ground that, being the presiding officer of the Senate, his absence would be noticed and a secret mission would thus receive too much publicity; but he yielded to argument and agreed to undertake the journey.

This interview between Davis and Stephens was the first that had occurred for a long while, owing to the strained relations following the Vice-President's attacks on the administration. Davis was with difficulty prevailed on to appoint Stephens, and he finally agreed to do so only because he was persuaded that it would be good policy. Such is the testimony of Benjamin H. Hill, who in the spring of 1874 read a paper before the Atlanta branch of the Southern Historical Society on the "Unwritten History of the Hampton Roads Commission." Hill states that he and the other advisers of Davis urged that Stephens be sent on the mission because he was the recognized head of the peace party, and the effect within the Confederacy would be useful even if the conference failed. As to the advisability of the meeting itself, Hill urged that the enemies of Davis "were clamorous in making the people believe that he was actually opposed to it [any movement toward an honorable peace] and were by such means causing desertions from the army and divisions among our people, and something must be done to silence these clamors; that, while there was danger in the impression made on the minds of the enemy, yet to make no effort, and especially to oppose an effort when proposed by the malcontents in our midst, would continue to weaken our army and divide our people, and this would be by far the greater evil of the two."

It appears from Hill's paper, and other indications

bear him out, that Davis consented to the Hampton Roads Conference partly in order to silence opposition within Confederate boundaries and partly because he "had some expectation that an armistice, at least, might be secured, during which discussion might spring up that would result in a final termination of the struggle." There is no evidence that he seriously entertained the Blair suggestion of the possibility of a joint expedition of the belligerents into Mexico.

The Hampton Roads Conference, at which the North was represented by Lincoln and Seward and the South by Stephens, Campbell and Hunter, took place on February 3, 1865, in the saloon of the steamer which had brought the President of the United States to Fortress Monroe. The discussion was preceded by friendly reminiscences of former acquaintance and association, Lincoln responding to Stephens's remarks in a "cheerful and cordial manner." It is even related that Lincoln was ready with his inevitable joke. Observing the slender Stephens removing his great coat and muffler, he remarked that the Georgian was the "smallest nubbin to come out of so much husk" that he had ever beheld. Stephens does not mention this in his own account, but he refers to a characteristic anecdote told by Lincoln during the conference. When the evils of immediate emancipation were adverted to—in case that policy should be pressed—especially the sufferings of the women and children and the old and infirm slaves who would not be able to support themselves, Lincoln admitted the difficulty, but, in order not to commit himself directly while yet suggesting his individual view, he said that at the moment he felt at liberty only to tell the story of the

Illinois farmer and his hogs.[1] The successful policy of this farmer, as the story revealed, was not to pen his hogs and provide food for them, but to turn them out and "let 'em root!" This was precisely the policy that finally prevailed, although great numbers of idling negroes long waited in vain for the "forty acres and a mule" that had been promised them by irresponsible carpetbaggers.

A full report of this historic conference is given by Stephens in his *Constitutional View of the War*,[2] an outline of which may appropriately be presented here. After the references to former friendly association, Stephens asked: "Well, Mr. President, is there no way of putting an end to the present trouble and bringing about a restoration of the general good feeling *then* existing between the different States and sections of the country?" Seward here interposed to remind the Confederates that the conference was to be informal, verbal, with no written report of what was said—(an obligation from which Stephens was of course released when he wrote his history five years after the war). This being agreed to, Lincoln replied, in substance, that there was but one way he knew of and that was for those who "were resisting the laws of the Union" to cease that resistance. "But," said Stephens, "is there no other question that might divert the attention of both parties . . . until the passions on both sides might cool, when they would be in a better temper to come to an amicable adjustment, . . . no Continental question which might thus temporarily engage their attention?"

[1] Vol. II, p. 615.
[2] Vol. II, pp. 599–619.

Comprehending the allusion at once, Lincoln replied: "I suppose you refer to something that Mr. Blair has said. Now, it is proper to state at the beginning that whatever he said was of his own accord and without the least authority from me."[1] He added that he had always been ready to listen to any proposition looking toward peace, but that with him the restoration of the Union was a *sine qua non*. Stephens understood this statement to mean that Lincoln was unwilling to enter into any arrangement on the line suggested "without a previous pledge that the Union was to be ultimately restored," and proceeded to reply: "But, suppose, Mr. President, a line of policy should be suggested, which, if adopted, would most probably lead to a restoration of the Union without further bloodshed, would it not be highly advisable to act on it, even without the absolute pledge of ultimate restoration being required to be first given? Is there not now such a Continental question in which all the parties engaged in our present war feel a deep and similar interest? I allude, of course, to Mexico and what is called the 'Monroe Doctrine,' the principles of which are directly involved in the contest now waging there." He added that from all accounts it was evident that the Northern people and their government were opposed to the establishment of an empire in Mexico by France. Both Lincoln and Seward replied that this was so. Then, said Stephens,

[1] The Confederate leaders seem to have been no match for Lincoln in the art of *masked design*. Ellis P. Oberholtzer tells the whole story when in his *Life of Lincoln*, p. 359, he observes that Blair "was provided with a passport and secured interviews . . . which were edifying to Mr. Lincoln, although he shrewdly disclaimed all responsibility for the mission."

"could not both parties in our contest come to an agreement to postpone their present strife, by a suspension of hostilities between themselves, until this principle is maintained in behalf of Mexico," and would this not "almost inevitably lead to a peaceful and harmonious solution of their own difficulties?" Lincoln earnestly replied that he "could entertain no proposition for ceasing active military operations, which was not based upon a pledge first given for the ultimate restoration of the Union." He had "considered the question of an armistice fully," and he "could not give his consent to any proposition of that sort on the basis suggested." The only possible settlement was "the reëstablishment of the national authority throughout the land."

This apparently put an end to the conference on the proposed lines, as the Confederate commissioners "had no authority to give any such pledge, even if inclined to do so." It had been agreed that, failing to secure an armistice, the commissioners would endeavor to ascertain on what terms the Washington government would be willing to end the war. So Judge Campbell now asked what was the plan on the nationalist side for a restoration of the Union. Thereupon Seward suggested that a reply to this inquiry might well be postponed until Stephens had more fully developed his (or Blair's) proposition. This, after Lincoln had apparently closed the subject, surprised the Confederates, but Stephens gladly seized the opportunity to speak further. He dwelt on the grandeur of the project and expressed the hope that the temporary union of North and South in behalf of home rule in Mexico and against foreign aggression might lead to a larger rec-

ognition of the right of home rule in the States of the late American Union, and thus to an ultimate settlement not antagonistic to the ardent Southern desire for independence. The subject evidently occupied his thought and engaged his imagination to a much larger extent than was true of the other Confederate commissioners who had not fondly dreamed, as he had, of a greater Confederacy, not confined to the slave States, based on the Montgomery convention's revision of the Constitution of 1787. His earnestness and persistence were pathetic in their hopelessness.

At the conclusion of Stephens's remarks Mr. Hunter made the important announcement that there was not unanimity in the South on the subject of undertaking the maintenance of the Monroe Doctrine and that it was not probable that the Confederate government would agree to send any portion of its army into Mexico. Stephens adds that he had previously agreed with the other commissioners that they could not promise this. His course in urging the project on Lincoln was, therefore, inconsistent, as Nicolay and Hay critically observe. But Stephens doubtless hoped and believed that if Lincoln and the North could be persuaded, Davis and the South—in view of the Confederacy's gloomy prospects—could also be persuaded.

Lincoln repeated his declaration that no arrangements were possible that did not involve a restoration of the Union, and Judge Campbell returned to his inquiry as to how the restoration was to take place, supposing the Confederates should consent. "By disbanding their armies," said Lincoln, "and permitting the national authorities to resume their functions." Judge Campbell suggested that in that event, stipula-

tions or assurances of some sort would be necessary. Stephens asked if the seceded States would be admitted to representation in Congress, and "Mr. Lincoln very promptly replied that his own individual opinion was that they ought to be; he also thought they would be, but he could not enter into any stipulation. His own opinion was that when resistance ceased and the national authority was recognized, the Southern States would be immediately restored to their practical relations to the Union." Stephens urged the importance of some understanding on this point, but Lincoln replied that he could not enter into agreements of any sort "with parties in arms against the government." Then, said Mr. Hunter, there could be no stipulations, no treaty,—"nothing but unconditional submission." Seward observed that no such words as "unconditional submission" had been used. Hunter repeated that it amounted to that—"unconditional submission to the mercy of the conquerors." Seward replied that they were "not conquerors further than that they required obedience to the laws," and that the rights of the Southern States would be secured by the Constitution. But, said Hunter, "you make no agreement that these rights will be so held and secured." At this point—

"Mr. Lincoln said that so far as the Confiscation Acts and other penal acts were concerned, their enforcement was entirely with him, and on that point he was perfectly willing to be full and explicit, and on his assurance perfect reliance might be placed. He would exercise the power of the Executive with the utmost liberality. He went on to say that he would be willing to be taxed to remunerate the Southern people for their slaves. He believed the people of the North were as responsible for slavery as the people of the South, and

if the war should then cease, with the voluntary abolition of slavery by the States,[1] he would be in favor, individually, of the government paying a fair indemnity for the loss to the owners. He said he believed this feeling had an extensive existence in the North. He knew some who were in favor of an appropriation as high as four hundred millions of dollars for this purpose. 'I could mention persons,' said he, 'whose names would astonish you, who are willing to do this, if the war shall now cease without further expense, and with the abolition of slavery as stated.' But on this subject, he said, he could give no assurance, enter into no stipulation. He merely expressed his own views and what he believed to be the views of others on the subject."

To this Seward added, as Stephens states, that the Northern people were weary of the war and "he believed they would be willing to pay as an indemnity for the slaves what would be required to continue the war."

The conversation had lasted about four hours and now there was a pause, "as if all felt that the interview should close." Stephens rose saying that apparently the mission would be entirely fruitless unless something could be accomplished in the matter of exchange of prisoners. Lincoln replied that he was in favor of bringing about an agreement on this long

[1] In speaking a few minutes before he had advised Stephens to go to Georgia, induce Governor Brown to recall the State's troops from the war, convene the legislature and ratify the Thirteenth Amendment "*prospectively*, so as to take effect, say in five years." He added: "Such a ratification would be valid in my opinion. . . . Your people must be convinced now that slavery is doomed . . . and the best course for your public men to pursue would be to adopt such a policy as will avoid as far as possible the evils of immediate emancipation." Vol. II, p. 614.

deferred question, but referred the commissioners to General Grant in whose hands he was willing to place the whole matter. On their return to City Point the Confederate commissioners took up the subject with General Grant, with the happy result of a general exchange soon afterward. The hopelessness of the Confederate leaders being now made evident and the war being nearly at an end, the Federals could well afford to release the long detained Confederate prisoners and secure the return of their own captive soldiers in exchange. At parting Stephens expressed the wish that Lincoln would reconsider the question of an armistice on the basis suggested. Shaking hands in farewell, the latter said: "Well, Stephens, I do not think my mind will change, but I will reconsider." Thus ended the Hampton Roads Conference, wherein, from the testimony of a Southern witness, it appears that Abraham Lincoln revealed capability of great sympathy for the people of the Southern States in their coming difficulties, particularly in connection with the distressing negro problem.

It is said that on the day after the conference he submitted to his cabinet the question of compensating the slave owners, and that all except Seward objected, although he argued that a hundred days more of war would cost as much as he proposed to give the slave owners in order to bring about peace.[1] That Lincoln was inclined toward compensated emancipation from the outset as the least costly method of terminating the war, and this because he did not understand how intense was the Southern desire for

[1] Henry Watterson, *Compromises of Life*, chapter on Lincoln, pp. 165–6.

independence irrespective of the slavery question, appears from his recommendation to Congress on March 6, 1862; and that the subject was still in his mind is established by Stephens's account of the Hampton Roads Conference. But even if the Confederate commissioners had been authorized to accept such a proposition at the price of yielding independence and returning to the Union, Lincoln "could give no assurance," as he told Stephens, and it may well be doubted whether he could have prevailed on Congress even to discuss the matter at a time when the end of the war was virtually in sight. The Confederate government could not be blamed, therefore, for not accepting what was never really offered.

The Hampton Roads Conference accomplished nothing for the Confederates, but on the contrary inflicted incalculable damage to their cause by disseminating the impression abroad that they were compelled by necessity to treat for peace. When the dissappointed commissioners returned to Richmond with the report that there could be no peace short of "unconditional submission," the general feeling was nearly akin to desperation. Sherman was triumphantly marching northward and Lee's hungry and attenuated army must soon yield to the hosts of Grant. Davis made a last effort to inspirit the people through a hopeful message to Congress and an eloquent public speech in Richmond. Of that effort, wherein the Confederacy's chief rose above despair and called upon a people to defend their liberties to the last breath, Stephens—nearly always critical of Davis—says: "It was not only bold and undaunted in tone, but had that loftiness of sentiment and rare form of expression, as well as

magnetic influence in its delivery, by which the people are moved to their profoundest depths. . . . Many who had heard this master of oratory in his most brilliant displays in the United States Senate said they never before saw Mr. Davis so really majestic! The occasion . . . the circumstances . . . caused the minds of not a few to revert to like appeals by Rienzi and Demosthenes." [1]

Stephens listened, admired and was thrilled, but shook his head. Now, for the first time, he looked upon the Confederacy's cause as utterly hopeless. "It may be that it was utterly hopeless anyhow," he resignedly writes in his historical account. "It may be that if the course which I thought would or could have saved it had been adopted, it would have come as far short of success as the one which was pursued; and it may be that the one which was taken on this and all occasions, on which I did not agree, was the very best that could have been taken." Howsoever all this might be, he, on his part, was unwilling to assume responsibility for any further continuance of the war. He refused to appear and speak at two public meetings in Richmond, and on February 9th, parting amicably with Davis, as he states, and without expressing himself to any one, he went to Georgia and retired to the quiet of his home, "Liberty Hall," there to await the inevitable culmination of the tragedy. He had not long to wait. On April 2d, the Confederate government was forced to retreat from Richmond, and on April 9th, at Appomattox, General Lee surrendered his starving army and his matchless sword.

There were not to be two republics, or a dozen, be-

[1] Stephens, *A Constitutional View*, Vol. II, pp. 623–4.

tween the Canada line and the Rio Grande—and for this result, at least, as well as for the extinction of slavery, all Americans, even at the South, may now give thanks. The tragedy of battle and privation was at an end. The more grievous affliction of reconstruction, robbery, and negro rule was yet to come.

CHAPTER XVII

CARPETBAG AND NEGRO RULE

STEPHENS remained quietly at home until arrested by the United States authorities on May 11, 1865. In the unpublished diary of his prison life he states that his negro servants all wept when he was taken away, and that his own grief at leaving his beloved home as a prisoner of State was "too burning, withering, scorching for tears." A great crowd of sympathetic friends of both races assembled at the station in Crawfordville. The leave-taking was more than Stephens could bear, and at his request Captain Pritchard hurried their departure. The diary states that he asked to be conveyed North in a separate train or boat from that which carried Davis, but this was denied him. In the same steamer with the Davis party, General Reagan, Clement C. Clay and General Wheeler, he was taken from Savannah to the neighborhood of Fortress Monroe, and there transferred to the warship bound for Fort Warren, in Boston harbor.

Concerning the meeting of Davis and Stephens the diary reads: "As much as I had disagreed with him, I could not but deeply sympathize with him in his present condition. His salutation was not unfriendly, but far from cordial. We passed but few words, and they were commonplace." The tragedy of the situation was deepened by the accusing attitude toward each other of the President and Vice-President of the dead

Confederacy. When they parted at Hampton Roads, with an unknown fate before them, their hearts inclined more toward forgiveness. They shook hands cordially and Davis seemed "more affected" than Stephens had ever known him to be. The elated victors in charge of them probably did not reflect that the solemn convictions and tragic fortunes of millions of earnest men and devoted women were represented by these two invalids bound for Northern military prisons.

Captain Kelly, of the *Clyde*, reminded Stephens of his anti-secession speech at Milledgeville in November, 1860, and expressed regret that he "had not adhered to it." The diary indicates that Stephens answered at some length, showing that he had adhered to it; for, although he opposed secession as bad policy, in the same speech he admitted the right to secede and declared that his highest allegiance was due the State of Georgia. But Captain Kelly "did not seem to recollect that part of the speech"—doubtless because it was not included in the extracts which he had read. Little is said in the diary of the voyage to Fort Warren on the *Tuscarora* further than that Captain Fraily gave up his bed to Stephens "in consideration of his age and past services to the country." Why there was no spare stateroom befitting his dignity is not stated.

There is little complaint in the diary of his treatment at Fort Warren, which appears to have been, on the whole, more humane and considerate than might have been expected, in view of the public excitement and the unreasoning anger against all Confederates resulting from the mad assassination of

Lincoln, the South's best friend at the time in any way connected with the United States government. After a few weeks of more rigorous confinement Stephens was permitted the freedom of the grounds, was allowed to write to his friends and to purchase whatever he needed to insure his comfort, and his devoted half-brother, Judge Linton Stephens, was finally given permission to join and remain with him until he was released on parole on October 12th, five months after his arrest.

Stephens's liberation so long before that of the other distinguished prisoners of State was due partly to the friendlier feeling toward him in the North as an opponent of secession and partly to the earnest representations of Southern and border State newspapers that he would be of great service in bringing about resignation, loyalty, and support of the central authority in his distracted section. The Louisville *Journal*, for example, urged the release of Stephens, "the most brilliant man in the Southern States," as "a matter of policy" which "could hardly fail to have the happiest effects." The Macon *Telegraph*, of September 6, 1865, in an article asking that Stephens be allowed to return to his home on the ground that the South needed him, declared that "the whole people of Georgia look upon him with a feeling akin to idolatry." Stopping at the Astor House in New York on his way South, Stephens was overwhelmed with callers. The New York *World*, of October 25th, observed that he "must have found it no agreeable task to respond to the proffered palms of so great a crowd." Passing through Atlanta, it was noted by the press that "his hair has turned quite gray since his imprisonment."

He went directly to his country home and remained there in quiet until the call of duty brought him again before the public a few months later.

In January, 1866, being strongly urged by leading citizens, Stephens agreed to serve as United States senator from Georgia, and was elected, ex-Governor Herschel V. Johnson being his colleague; but they were not allowed to take their seats, the dominant element at Washington having rejected the Executive plan of restoration (modeled on Lincoln's proposals), and determined on a "reconstruction" of the Union. On February 22d Stephens delivered by request an address before the Georgia legislature, which was perhaps the noblest effort of his life. On April 16th he was summoned before the Reconstruction Committee of Congress to testify as to the disposition of the Southern people. His answers were bold and manly, yet conciliatory. He told the simple truth when he said that his people had not fought merely for slavery, but for State sovereignty, for Constitutional liberty, and having failed to secure independence, they were now without exception anxious for the restoration of order, would gladly return to the Union under the terms of the Constitution, and were ready to abide the results of the war in good faith. As to the abstract right of secession and the reserved rights of the States, he expressed himself without evasion or equivocation. "My convictions on the original abstract question," he said, "have undergone no change; but I accept the issues of the war as a practical settlement of the question."

Stephens's speech before the Georgia legislature on February 22, 1866, as well as his later course in gen-

eral, fulfilled the promise that was made for him when his release from prison was urged. It was a noble task to seek to lift up a fainting people, bind their wounds, give them courage to face the ills that afflicted them and the greater ills yet to come, and to suggest to them how they might do the best for themselves amid unparalleled misfortunes. The problem was not merely the simple one of submitting to the will of the conqueror and facing the widespread poverty of years which the loss of slave property, the devastation of the country, the financial collapse and the shrinkage of all values inevitably entailed. There was the further and greater problem of the emancipated negroes who, though of an alien and lower race, were to be immediately enfranchised and placed in authority over their former masters—a fearful punishment such as no conquered people had ever before suffered in the history of the world. The worst had not yet come, but all knew from the tone of the speeches in Congress what was to be. Stephens was not one of the Southern statesmen who believed all effort futile, and, therefore, were disposed to stand aside, bow their heads to the storm and wrap themselves in a proud but demoralizing despair. However little he might accomplish for his ruined section, he was willing to drink the waters of humiliation in order to make the effort. His criticism and counsel were therefore as constructive as might be in the awful crisis.

He said to the Georgia legislators that the subject before them involved "the welfare of millions now living and that of many more millions who are to come after us." Expressing the deepest sympathy for the people of his State and of the South in their suf-

ferings, misfortunes, and "present utter prostration," he suggested that to give way to despair was the very worst and most disastrous course that could be chosen. "Adversity," he said, "is a severe school, a terrible crucible; both for individuals and communities. We are now in this school, this crucible, and should bear in mind that it is never negative in its action. It is always positive. It is ever decided in its effects; it either makes better or worse. It either brings out unknown vices or arouses dormant virtues. In morals its tendency is to make saints or reprobates; in politics to make heroes or desperadoes. The first indication of its working for good, to which hope looks anxiously, is the manifestation of a full consciousness of its nature and extent; and the most promising grounds of hope for possible good from our present troubles, of things with us getting better instead of worse, is the evident general realization, on the part of our people, of their present situation; of the evils now upon them and the greater ones still impending. . . . Can these evils upon us—the absence of law, the want of protection and security of person and property—be removed? Or can these greater ones that threaten our very political existence be averted? These are the questions."

He admitted that the fortunes and destiny of the Southern people were not entirely in their own hands, yet there were some things they might do toward bettering their condition. "The first great duty that I would enjoin at this time," he said, "is the exercise of the simple, though difficult and trying, but nevertheless indispensable quality of patience . . . to

bear and to suffer with fortitude whatever ills may befall." He urged as the next great and necessary duty "the exercise of a liberal spirit of forbearance among ourselves . . . the banishment of every feeling calculated to stir up the discords of the past," or to prompt any man to accuse his neighbor. As common sharers in common misfortunes, all should unite in an effort looking toward their amelioration, and, in his judgment, the surest hopes of the Southern people were bound up with the restoration policy of President Johnson. "We should accept the issues of the war and abide by them in good faith. The people of Georgia have in convention revoked and annulled her ordinance of 1861 which was intended to sever her from the compact of Union of 1787. The Constitution of the United States has been reordained as the organic law of our land. Whatever differences of opinion heretofore existed as to where our allegiance was due, none for any practical purpose can exist now. Whether Georgia, by the action of her convention of 1861, was ever rightfully out of the Union or not, there can be no question that she is now in, so far as depends upon her will and deed. The whole United States, therefore, is now without question our country, to be cherished and defended as such, by all our hearts and by all our arms."

But with this change, he pointed out, came a new order of things which must be faced. Georgia and the other Southern States had not only annulled their secession ordinances but had compliantly abolished slavery. The old social fabric had been entirely subverted and the relation toward the negroes was altogether changed.

"It is a bootless question now whether the new system is better for both races than the old one was. That may be a proper matter for the philosophic historian at some future time to inquire into after the new system shall have been fully and fairly tried. Our duty is not with the past or the future; it is with the present. Let us give the new system a fair and just trial, without prejudice, and with that earnestness of purpose which always looks hopefully to success. It is an ethnological problem, on the solution of which depends, not only the best interests of both races, but it may be the existence of the one or the other, if not both.

"This duty of giving this new system a fair and just trial will require of you as legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them, ample protection should be secured them, so that they may stand equal before the law, in the possession and enjoyment of all rights of person, liberty and property. Many considerations claim this at your hands. Among these may be stated their fidelity in times past. They cultivated your fields, ministered to your personal wants, nursed and reared your children; and even in the hour of peril they were, in the main, true to you and yours. To them we owe a debt of gratitude as well as acts of kindness. This should be done also because they are poor, untutored and uninformed. Legislation should ever look to the protection of the weak against the strong. Inequality does not lessen the moral obligations on the part of the superior to the inferior, but rather increases them. . . . All obstacles, if there be any, should be removed, which can possibly hinder or retard the improvement of the blacks to the extent of their capacity. All proper aid should be given to their own efforts. Channels of education should be opened to them. Schools and the usual means of moral and intellectual training should be encouraged amongst them. This is the dictate not only of what is right and just in itself, but it is also the promptings of

the highest considerations of interest. It is difficult to conceive a greater evil or curse that could befall our country, stricken and distressed as it now is, than for so large a portion of its population to be reared in ignorance, depravity and vice." [1]

It is interesting to note that this advanced utterance was delivered before the national government, through a new exercise of power, had enfranchised the blacks in the Southern States, and before the invasion of Northern school-teachers and the collection of Northern funds for educational purposes among the freedmen. Stephens closed with a message of hope. He bade all support President Johnson's policy of restoration, declaring further that the establishment of good government and the return of fraternal feeling throughout the country depended upon both the North and the South. "I have faith," he said, "in the American people, in their virtue, intelligence and patriotism."

His faith was justified so far as ultimate results were concerned, but the people of the North after the untimely death of Lincoln were persuaded to support a set of revolutionary leaders and radicals in Congress who were determined to "make treason odious" by holding the Southern States as conquered provinces for years, and, while talking of their magnanimity in not hanging the leaders of secession, meting out to the whole white population the very refinement of cruelty in the name of the protection of the negroes. Edmund Burke said it was impossible to indict an entire people, but the radical leaders in Congress convincingly proved that he was wrong. The negro must be protected, therefore he must be made to rule over the

[1] Cleveland, *Letters and Speeches of Stephens*, pp. 804–818.

whites. Thaddeus Stevens avowedly aimed at "a loyal black South" with the whites as a disfranchised and disconsidered class. He did not care for "bloody punishments" but preferred "punishments quite as appalling and longer remembered than death," also favoring the latter "because they would reach a greater number."[1] D. H. Chamberlain, former carpetbag governor of South Carolina, who was certainly in a position to know, has declared that "minds were never more ruthlessly set upon a policy than were Stevens and Morton on putting the white South under the heel of the black South," adding that "not all eminent Republican leaders shared these sentiments, though they acquiesced in the policy."[2] The theory that the seceded States had never been out of the Union and could not go out no longer held. They were now out and could not get back on anything faintly suggesting equal terms until they had paid the uttermost farthing in loss of wealth, suffering and humiliation. Indeed, Mr. Shellabarger, of Ohio, declared in Congress that it would be necessary to "keep them dependencies forever."[3] Speaking as a friendly Northern Democrat, John Quincy Adams, of Massachusetts, on October 20, 1868, warned the people of the desolate section not to forget that the Southern States were "conquered territories" and that the entire white population were "prisoners of war."[4] As Garfield, on the Republican side, candidly expressed it, "the bayonet" was "at

[1] Henry Wilson (Senator from Mass.), *History of Reconstruction*, pp. 78–9.
[2] *Atlantic Monthly*, April, 1901.
[3] Wilson, *History of Reconstruction*, p. 48.
[4] Speech at Charleston.

the breast of every rebel [every white person would have been more accurate] in the South."

The hopefulness displayed by Stephens in his constructive address before the Georgia legislature, in February, 1866, did not last. Interviewed by the New York *Herald* in September, 1868, he said that conditions at that time were deplorable, that "the last vestiges of constitutional freedom" were "rapidly disappearing," and that the country was "fast verging into centralization and despotism." He declared that peace was all Southern men desired, "and the civil liberty which as citizens of this republic they are entitled to." Yet "in Georgia 25,000 and in Tennessee 80,000 Anglo-Saxons have been disfranchised"—with similar conditions in all the Southern States. He cried out to unheeding ears that "the cause of the South is the cause of us all"—all American lovers of constitutional republican government.

The vast extent of disfranchisement among the whites, accompanying the grant of universal manhood suffrage to the negroes, was due not only to the fact that the proclamation of amnesty excepted fourteen classes of Southern men, but to the test oath provided by Congress on March 23, 1867, which was made even more exhaustive through special enactments of the carpetbag and negro governments set up in the prostrate States. The classes denied citizenship in the amnesty proclamation of President Johnson were :

(1) All civil or diplomatic officers, or domestic or foreign agents, of the Confederate government.

(2) All who left judicial stations under the United States to aid the Confederacy.

(3) All who had been military or naval officers of

the Confederacy, above the rank of colonel in the army or lieutenant in the navy.

(4) All who left seats in the United States Congress to join the Confederacy.

(5) All who resigned from the army or navy of the United States to evade resistance of the secession movement.

(6) All who engaged in any way "in treating otherwise than lawfully as prisoners of war" persons found in the United States service.

(7) All who were or had been absentees from the United States for purposes of aiding the Confederates.

(8) All military or naval officers in the Confederate service who had been educated at West Point or at the United States Naval Academy.

(9) All who held offices as governors of the seceded States.

(10) All persons who passed from North to South for purposes of aiding the Confederacy.

(11) All who had been engaged in the destruction of the commerce of the United States, or in raids from Canada.

(12) All in military or civil confinement or custody for offenses of any kind.

(13) All citizens of the seceded States owning property valued at more than $20,000.

(14) All persons who took the oath of amnesty under the proclamation of December 8, 1863, and had not "kept and maintained the same inviolate."

The test oath provided by Congress, March 23, 1867, for all who were to be permitted to vote, in the five military districts, into which the eleven seceded States had been merged, covered not only the excepted classes

of the amnesty proclamation, but added to these disfranchised classes every man who had ever "been a member of any State legislature, or held any executive or judicial office in any State, and afterward engaged in insurrection against the United States or given aid or comfort to the enemies thereof." This test oath, already so exhaustive that scarcely one honest Southern white man could conscientiously take it, was enlarged on by the carpetbag and negro authorities in the different Southern States. In Tennessee, for example, it read: "I do most solemnly swear that I have never voluntarily borne arms against the government of the United States for the purpose of, or with the intention of, aiding the late rebellion, nor have I with any such intention, at any time, given aid, comfort, counsel or encouragement to said rebellion," etc., etc. As ninety-nine one-hundredths of the entire white population had in one way or another given "aid, comfort, counsel or encouragement," few white men, women or children in the South could have taken such an oath without personal infamy, or without incurring the penalty provided for perjury. Even before these test oaths were ordained, and merely as a result of the exceptions in the amnesty proclamation, the Union governor of Virginia in his message to the legislature, June 20, 1865, declared that "nineteen-twentieths of the [white] people are disfranchised and cannot hold office."

But even such complete measures as these for the indictment and punishment of a whole people, and for giving the votes of eleven unwilling States to the Republican party, did not satisfy, and intimidation of white voters was resorted to. One method of doing

this was "to handcuff Democrats and carry them great distances and by devious routes through populous portions of the State, exhibiting them by the way in such manner as to encourage the blacks and intimidate the whites." [1] In South Carolina alone 96,000 negroes were enrolled in military companies and kept needlessly active at a great cost. The few native white companies in existence were ordered to disband. The policy in election campaigns, as appears from the report on June 25, 1870, of a deputy constable of that State was to "encourage the [negro] militia and frighten poor white men." [2] Race conflicts, resulting in the killing of a negro or negroes here and there were encouraged, instead of discouraged, for the sake of the hue and cry and the further supply of Federal troops that might be called for. Carpetbag Governor Smith of Alabama, who, like Chamberlain of South Carolina, sickened at the atrocities committed by the aliens and negroes in control, said of one of the former, J. D. Sibley, in a letter to the Huntsville *Advocate*, July 25, 1870, that he did not want the law executed "because that would put down crime, and crime is his life's blood; he would like very much to have a Ku Klux outrage every week to assist him in keeping up strife . . . and furnish a semblance of truth to [Senator] Spencer's libels upon the people of the State."

The writing of the darkest page in American history was begun when in December, 1865, Thaddeus Stevens, of Pennsylvania, introduced a joint resolution in the Thirty-ninth Congress to inquire into the condition of

[1] Ex-Secretary H. A. Herbert, *Why the Solid South*, p. 65.
[2] *Ibid.*, p. 93–4.

the Southern States and report whether "any of them are entitled to be represented in either house of Congress." For his part, he did not think they ought ever to be admitted to representation until the Constitution should be "so amended . . . as to secure perpetual ascendency to the party of the Union." He also wanted to see the "proud traitors" and their children put to work, and he advised that the "property of the subdued enemy" be employed to support disabled soldiers of the Union.[1] Senator Fessenden of Maine argued that "the conqueror has the right, if he chooses," not only "to punish" but "to change the form of government." Mr. Shellabarger, of Ohio, accompanied his argument that the Southern States should be "kept dependencies forever" with the sensational declaration, as conscienceless as it was ridiculous, that the Confederates "carved the bones of your dead heroes into ornaments, and drank from goblets made out of their skulls!"[2]

The policy of envenomed radicals prevailed, and from eight to ten years the Southern States were kept under alien and negro domination by enactments which could be used to disfranchise virtually every white man in a given Southern community, and were so employed whenever it suited the purposes of those in local authority. Against these enactments and the Federal troops and negro militia, those who represented the virtue, intelligence and ability of the Southern States were helpless. And yet Abraham Lincoln in his letter to Governor Hahn, of Louisiana, had advocated the immediate enfranchisement of only a few of the more

[1] Wilson, *History of Reconstruction*, pp. 78–9.
[2] *Ibid.*, p. 47.

intelligent negroes and those who had fought well in the Union ranks. He had also proposed the immediate restoration of the Southern States, and these, in expectation of such a course, had elected new governments composed almost entirely of men who had opposed secession. The reorganized governments had promptly adopted the Thirteenth Amendment, compliantly repudiating the Confederate debt and assuming the national debt, and submission was so universal that Grant reported to the President in December, 1865, a general acceptance at the South of the situation "in good faith."

Nevertheless by the act of March 2, 1867, the Southern State governments were annulled and the country placed under military rule. The reason for this, as announced, was that the Southern States had rejected the Fourteenth Amendment and that the freedmen needed protection. The Southern State governments assumed that they might deliberate, debate and act freely as in former times, but it was a reckless assumption, and, could they have looked into the future, they would have done all that was required of them, even this. Yet they would have been less than human if they had not at first balked at the Fourteenth Amendment which disfranchised their own leaders and branded with dishonor their best citizens. The amendment disqualified for any office, civil or military, under either the national or State governments, all who had "engaged in rebellion against the United States or given aid or comfort to the enemies thereof."

As for the protection of the negroes, the speech of Stephens, which has been outlined, indicates the existence at the outset of a disposition among leading

Southern men to give the freedmen a fuller measure of kindly consideration and justice than could reasonably have been expected under conditions so trying. There was no hatred of the negro in the beginning, but only a rational recognition of his fitness for a subordinate position in human society, even though free. As regards those "new slave codes in the South," as Blaine[1] describes certain laws enacted in order to meet the conditions of an utterly demoralized labor situation, no unprejudiced mind can condemn the general purpose in them, although in some particulars they doubtless went too far, and their framers were unquestionably indiscreet, in view of the times. The disordered condition of the labor market was partly due to the sudden emancipation of millions of slaves, partly to the indolent and improvident character of the negroes in the mass, and partly to the corrupting influence, industrially at least, of the Freedmen's Bureau and the Union League. In his report to the President, December 18, 1865, General Grant said that "the belief widely spread among the freedmen of the Southern States that the lands of their former owners will, at least in part, be divided among them, has come from the agents of this [Freedmen's] Bureau."

While the Bureau fed them on this hope, the League tended to draw them from industry to politics as a livelihood and to cultivate in them distrust and suspicion of all native white men. Its very initiation, for example, required the applicant to "hold and believe that secession is treason." All this made for the policy of a loyal black South with the whites as a disconsidered class—also for idling, vagrancy and theft

[1] *Twenty Years of Congress*, Vol. II, p. 94.

among the negroes. There was no other large class of laborers, the country was impoverished, the land must be tilled, and employers were desperate. Hence the attempt to meet the situation and bring a certain amount of order out of chaos by the enactment of vagrant laws, holding heedless negro employees to their promises.

Discussing these enactments, Blaine complained that "'stubborn and refractory servants' and 'servants who loiter away their time' were declared by law to be 'vagrants' and might be brought before a justice of the peace and fined fifty dollars, and in default of payment they might be hired out on three days' notice by public outcry for the period of three months."[1] To the Northern mind this severe punishment readily suggested the conditions of recent slavery, yet Blaine might have brought the same complaint against the authorities of Rhode Island, the laws of that State[2] providing: "If any servant or apprentice shall depart from the service of his master or otherwise neglect his duty" he shall be arrested on oath to be made "in writing by his master," and committed to the state workhouse of correction. The difference between "otherwise neglect his duty" and "loiter away his time" suggests that between Tweedledum and Tweedledee, and the punishment is the same—enforced labor in a Rhode Island workhouse and enforced labor on a Southern farm. The apprentice laws adopted at the same time in the South were also similar to those then existing in the New England States, as ex-Secretary Herbert has shown by numerous comparisons.[3] Yet

[1] *Twenty Years of Congress*, Vol. II, p. 94.
[2] Revised Statutes of 1872, p. 243.
[3] *Why the Solid South*, pp. 31–36.

the New England States did not suffer at that time from the same distressing demoralization of labor conditions, and intermeddling emissaries from distant points were not multiplying that demoralization a hundredfold. The supersensitive attitude of the Northern mind is revealed when Blaine even points accusingly to the terms "master," "mistress," etc., although the same terms occur in the New England statutes and are embedded in the terminology of the law descending to us from old England. Indignation on the part of an uninformed Northern public against the alleged "new slave codes" was perfectly natural, however, and it was inevitably made the most of by radical politicians.

Testimony of no little interest in this connection may be found in a volume written by a negro State senator from Leon County, Florida. Discussing the conditions while that State was still under military rule, he declares that "the officers and soldiers of the regular army . . . would abuse and maltreat the negro much worse than their former masters, who in many instances would have to interfere in his behalf, to save him from cruelty and injustice."[1] Writing of the "oppression and usurpation of power" that in Jackson County resulted in arraying the two races "against each other in deadly hostility,"[2] the same author says: "This state of things was not due to the enmity of the whites to the blacks, nor their opposition to the new law enfranchising the latter—though they were opposed to it of course—nor was it due to any natural bad temper or hatred of the whites on the

[1] John Wallace, *Carpetbag Rule in Florida* (1888), p. 37.
[2] *Ibid.*, p. 107.

part of the colored people . . . [but] to the evil influence of the very men who were delegated to preserve peace, to administer justice." This negro writer urges in his preface that the freedmen "would have made better citizens and more honest legislators if they had not been contaminated by strange white men" (from distant States), adding, with much point, that "the secret leagues riveted the former slaves to these strangers."

Senator Wilson, of Massachusetts, in his *History of Reconstruction*,[1] remarks that "to reconstruct the Union so as to secure the fruits of victory was no easy task." Possibly it was with a view to securing some of the "fruits of victory" that General Pope, while in command of the military district of Georgia, Florida and Alabama, issued orders that legal advertising would not be legal unless published in Republican newspapers. The latter being few and far between, property sold at public outcry and other legal matters had to be announced in journals published from a hundred to two hundred miles distant from the communities to which the business related.[2]

An idea of the policy of the military authorities of the district including South Carolina may be gath-

[1] Page 14.

[2] One result of this act of needless oppression was that Philip C. Pendleton, a paroled officer of Lee's army, who had begun the publication of the *South Georgia Times* in a thinly settled section of the State, lost the legal advertising of eight counties. Thus this conservative newspaper whose files show counsels of submission to the aliens in authority and of kindliness toward the freedmen, received a staggering blow from which it was years in recovering. It is a source of pride to this editor's heirs that, in spite of such persecution, his newspaper (now known as the Valdosta *Times*) survived, and the majority of its stock still remains in the possession of his family.

ered from the fact that that State's new constitution of April, 1868, was adopted by the votes of negroes upon whom the ballot had not yet been formally conferred either by that State or by the United States, the Fifteenth Amendment, which as Grant's proclamation announced, "makes at once four millions of people voters," not being ratified till March 30, 1870. This South Carolina convention of 1868 was made up of thirty-four white and sixty-three negro delegates.[1] The thirty-four whites were composed of Northern carpetbaggers and a handful of native renegades almost entirely from the scum of the State. The misrule that followed in this and other Southern States has been well described by Professor Burgess, of Columbia University, as "soul-sickening,"[2] and by the British historian Lecky, in his *Democracy and Liberty*, as "a grotesque parody of government, a hideous orgy of anarchy, violence, unrestrained corruption, undisguised, ostentatious, insulting robbery, such as the world had scarcely ever seen."

In May, 1875, D. H. Chamberlain (apparently the only carpetbagger worthy of respect), stated to a correspondent of the Cincinnati *Commercial* that when he entered on his duties as governor of South Carolina in 1874 two hundred trial justices were holding office by executive appointment who could neither read nor write. In Georgia, after the proclamation excepting from amnesty fourteen classes, which included all the influential citizens and those "whose taxable property was over $20,000," informations were filed in the United States Court by the district-attorney praying

[1] *Why the Solid South*, p. 85.
[2] Burgess, *Reconstruction and the Constitution*, pp. 263–4.

confiscation of the property of the proscribed classes, and these proceedings resulted in a harvest of costs exacted as a condition of settlement from people who in the universal financial depression were unable to bear the burden.[1] Such extortions became very common under the order from Washington directing the Attorney-General to instruct the proper officers to libel and bring to judgment, confiscation and sale, all property subject to confiscation.[2]

The invitation to carpetbaggers to overrun the country was contained in the ruling of the highest authorities that where suitable residents could not be found appointments should be made from other States. As a rule the only "suitable" residents were ignorant negroes, and here and there a mercenary white man who was a disgrace to his section. A popular method of extortion practiced upon a helpless people is illustrated by the case of Colonel James J. Gathings,[3] of Hill County, Texas, against whom no charge of any kind had been preferred. Without warning Lieutenant Pritchett, with three white and four negro police, invaded his home in December, 1870, and searched it despite his protests. The result of incautious complaint against Pritchett was that General Davidson with a hundred State guards was sent to the vicinity and promptly arrested Gathings, placing him in the court-house, excluding all citizens, and stationing a heavy guard. It was then suggested to the helpless victim that if he would pay five hundred dollars a day, estimated as the expenses of the force that held him, no military commission would be convened to try

[1] *Why the Solid South*, p. 114.
[2] *Ibid.*, p. 115.
[3] *Ibid.*, pp. 374–5.

him. The prisoner refusing to comply, Davidson declared that he would place the county under martial law, tax its people to support the troops, try him by court-martial, and send him to the penitentiary without the right of appeal. Thus terrorized, poor Gathings agreed to a subsequent proposal to settle the matter for $3,000, and, with the assistance of friends, he paid the money. In no case was it of the slightest use to complain either to the corrupt State or the unfeeling national authority, for, as ex-Governor Chamberlain observes,[1] "so ingrained was the disregard of Southern Democrats . . . so implacable was the determination of the officials and leaders at Washington to keep the [carpetbag and negro] heel on the [Southern white] neck, that hardly one high Republican authority could be appealed to for discountenance" of the corrupt rulers and their vicious methods.

The legislature of South Carolina in 1868 contained eighty-five negro members, fifty-two carpetbaggers and "scalawags" (native renegades), and twenty-one Democrats. The negroes and carpetbaggers, besides voting themselves unheard-of salaries, Havana cigars, free champagne, etc.,[2] filled their pockets with the loot of the State. In the capitol of North Carolina also there was a bar which the tax-payers were compelled to support, and rooms devoted to purposes of prostitution.[3] J. S. Pike, a Republican and ex-United States minister to the Hague, after investigating "a society turned bottom side up," reported that the treasury of South Carolina "has been so thoroughly gutted by the thieves . . . there is nothing left to steal." He

[1] *Atlantic Monthly*, April, 1901.
[2] *Why the Solid South*, p. 89.
[3] *Ibid.*, p. 80.

not only studied the "huge system of brigandage," took note of the "picked villains" who "robbed the poor and rich alike by law," but observed that the negro majority did "the debating, the squabbling, the law-making," created "all the clamor and disorder," and that some of their "types it would be hard to find outside of the Congo." [1] There were frauds in connection with taxation, State bonds, and railroads, and of every other possible kind. In 1871 South Carolina's taxable property was only one-third the value of what it was in 1860, but the taxes gathered had increased 500 per cent. In consequence in the single year 1874 no less than 2,900 pieces of real estate had to be forfeited for taxes in Charleston County alone. In Arkansas the lands of Democrats were openly assessed at from two to five times the value of Republicans' lands of the same quality.[2] The alleged cost of public printing in South Carolina from 1868 to 1876 was greater than in Massachusetts, New York, Pennsylvania, Ohio and Maryland combined and was more than double the amount paid out by the State for that purpose during the previous seventy-eight years. In the last desperate struggle of the carpetbag and negro governments to hold their position the prices of votes ranged from $25 to $2,000.

The State debt of Georgia under alien and negro rule rose from five to eighteen millions; that of Alabama from eight to twenty-five millions. South Carolina's debt was multiplied by four during the first four years of Republican administration. In North Carolina the alien government saddled the State with a

[1] J. S. Pike, *The Prostrate State*, pp. 10, 12, 25, 58.
[2] *Why the Solid South*, p. 315.

debt of $42,000,000, although the whole property of the commonwealth in its impoverished condition was not over $120,000,000. In the entire South the assessed value of property was $2,100,000,000 less in 1870 than it was in 1860. The desolation of so-called reconstruction following upon the devastation of war explains the reproach of alleged lack of enterprise in the prostrate Southern States for so many years—a reproach for which there is happily no longer any basis.

Harder to bear than poverty, the squandering and stealing of the public money (for which there was not one public improvement to show), disfranchisement, extortion and innumerable forms of oppression, was the elevation of the ignorant ex-slaves into the seats of the mighty and all that that unparalleled atrocity involved. Even so conservative and unimpassioned a witness as Hon. Henry G. Turner, of Georgia, speaks of the "disdainful scorn" [1] of the puffed-up negroes for the prostrate whites. The Alabama Democratic platform of 1874 complained that the Republican party had "inflamed the passions and prejudices of the negroes as a race against the [native] white people." There were virtually unprovoked murders of Democrats by the negro militia with the connivance of the carpetbag and negro governments.[2] Citizens swallowed many an affront from negroes whose heads had been turned, realizing that the safety of their families was at stake. Negresses of heavy build deliberately threw themselves against delicately nurtured white women on the streets, shouting: "*I* don't gie de road to po' buckra!" White children were waylaid and

[1] *Why the Solid South*, p. 126.
[2] *Ibid.*, pp. 289–301.

beaten by negro youths. And it was at this time that were first heard of those attacks on white women by negro brutes, who were taught that they could and should marry into the master but now prostrate race. Who can wonder at the Southern contention that for every negro dragged out of bed in the dead of night and flogged or slain the radical leaders at Washington were morally responsible?

Nor can we wonder that so many Southern men, in spite of the intense love of native soil, abandoned everything but their families and went as almost penniless emigrants to the far West, to Canada, to Mexico, Cuba, Brazil and elsewhere.[1] It was nothing more than a dreadful symptom of a still more dreadful disease when a night-riding Ku Klux Klan arose in every Southern State to remind the deluded and criminal blacks that, after all, the native whites—even with Federal bayonets at their breasts—were not absolutely helpless and could still strike for home and fireside. Granting the real and alleged bloodshed attributed to that mysterious organization, or to those afterward masquerading in and abusing its name, it is not too much to say that in its first organized activity it was a power for good, in spite of the desperate means employed, and that it helped to save a civilization threatened with absolute extinction.

What brought the nightmare to an end? There was

[1] On December 17, 1867, Charles Nathan, of New Orleans, published a notice that he had arranged with the Emperor of Brazil to carry to that country a thousand families per annum. Members of the Brazilian colony who did not prosper were brought back in an American war-ship several years later. Nothing but widespread poverty prevented a vast emigration from the Southern States.

a combination of causes, chief of which was the determination of the native whites—who grew stronger toward the last as more of them were amnestied—to throw off the yoke at all hazards, as illustrated in the South Carolina campaign led by General Wade Hampton. In many communities the Ku Klux Klan bred a distaste for the ballot-box among the negroes. The radical leaders of the North were unnerved by the utterances of such men as Horace Greeley, Charles Francis Adams, Carl Schurz, and Henry Ward Beecher, and their grip relaxed. They were also frightened by the Democratic gains in the midst of General Grant's second term and the great vote for Tilden in 1876,[1] accepting these as a rebuke to the powers in control, and rightly, for they were a sign that the people of the North and West were beginning to realize that they could not hold to the institutions of their fathers and at the same time endorse what was being done in the South. The troops began to be recalled and the carpetbaggers trembled. No sooner was the withdrawal complete than nature asserted itself and the bayonet-protected fabric toppled to the ground.

The sense of relief in the South after the deliverance from the hideous incubus, the satisfaction in the knowledge that the local governments would once more come into the hands of the virtue and intelligence of each community, the joy in the certainty that the ten years of "the very abomination of desolation"[2] had come to an end, are vividly suggested by the following words

[1] The Electoral Commission of eight Republicans and seven Democrats decided, by a strict party vote, that Hayes was elected. The popular vote for Tilden, by Republican count, was 4,285,992; for Hayes, 4,033,768.

[2] Burgess, *Reconstruction and the Constitution*, p. 296.

of Colonel James T. Bacon in the Edgefield (S. C.) *Advertiser*, describing the feelings of the citizens after being assured of Wade Hampton's triumph :

"They are filled with exultation—with glory—with unbounded, unrestrained, tumultuous joy. The day has come to their deliverance from the most damnable and degrading yoke that ever galled the necks of freemen ! Many of them are mounted, while the majority are on foot. They yell, they shriek, they scream, they shout, they sing, they pray ; they embrace their friends, hail their comrades ; they cheer lustily for Hampton, for Tilden, for Butler, for Gary ! They charge to and fro like rockets. They stream about in ever-eddying channels of excitement. They are wild, crazy, buoyant as the bubbles upon the crested waves. And why should they not be ? In the name of God, why should they not be ?

"If they shoot the stars and straddle the meteors, and leap over the moon, who could blame them ?"

But the collapse of the carpetbag and negro governments did not solve the negro problem, and no satisfactory solution is even now in prospect. The Southern States enjoy local self-government and have attained a large measure of prosperity, built up from the ashes of the past ; but the negroes are still, as they have been for eighty-eight years, or since the Missouri Compromise, a source of irritation between the sections. They are still, as they have been throughout the same period, a bar to that immigration which the South has so much needed and yet needs. According to the report of the United States Commissioner of Education, 1896–97,[1] between that date and 1870 the Southern States had taxed themselves a hundred million dollars

[1] Vol. II, p. 2296.

to provide public schools for the blacks (more than nine-tenths of which was paid by the whites); but unhappily education complicates instead of solves the problem, inasmuch as it makes for greater discontent among the negroes, and breeds in them the disposition more and more to demand what the whites, at the North as well as at the South, are unwilling to grant. Social inequality is inevitable even among the people of the same race, but here we have a great dividing line drawn at race and color, which no man on either side, if left to his normal instincts, will desire to overpass. It is a simple fact, which every reflecting mind will recognize, that there is not an acre of land in the United States whereon a negro can have in every particular a white man's chance. We may discover the injustice of race prejudice in the abstract, but we bow to its decree in the presence of the problem in the concrete. Deplore it though we may, it is ineradicable and will endure, because it is the barrier erected by Providence (or nature, as you will) to prevent the white, the black, the brown and the yellow races of men from becoming merged into one mongrel and inferior amalgamate. Unfortunately the negroes of the United States, as a result of abnormal conditions, are not controlled by this normal race instinct, but are filled with the unworthy desires of their cousins in Cuba, where, as the popular song relates,

> "Los negros quieren ser blancos;
> Los mulatos caballeros."[1]

Both for the sake of the American people and the

[1] The negroes would like to be white men; the mulattoes, white men of high degree.

alien race among them it is much to be regretted that Lincoln's plan of colonizing the freedmen abroad came to nothing. In his debates with Douglas before the war he admitted that there was a difference between the two races such as would forever prevent their occupation of a common territory in a state of social and political equality,[1] and to a deputation of free negroes on August 14, 1862, he said that the only solution of the problem was the separation of the races, referring to his plan of colonizing the blacks in purchased Central American territory. "You and we are different races," he said. "We have between us a broader difference than exists between almost any two races. . . . This physical difference is a great disadvantage to us both, I think. Your race suffer very greatly, many of them, by living among us while ours suffer from your presence. . . . But for your race among us there could not be war. . . . Even when you cease to be slaves you are yet far removed from being on an equality with the white race. You are cut off from many of the advantages which the other race enjoys. On this broad continent not a single man of your race is made the equal of ours. Go where you are treated the best, and the ban is still upon you. I do not propose to discuss this but to present it as a fact. . . . It is better for us, therefore, to be separated. . . . There is an unwillingness on the part of our people, harsh as it may be, for you free colored people to remain among us."[2] In this ad-

[1] *Lincoln's Speeches*, Vol. I, p. 369.

[2] Henry J. Raymond, *Life and State Papers of Abraham Lincoln*, pp. 505-8. See also *Lincoln's Speeches*, Vol. II, p. 222, and his message to Congress, December 3, 1861. (*Messages and Documents*, Government ed., 1861, Vol. I, pp. 14-15.)

dress Lincoln spoke of the advantages of Liberia and described the desirable features of the Central American territory he wished to secure, favoring the latter because it was "nearer to us" and on a highway of travel. He appealed to the negro men before him to interest themselves in the colonization plan for the good of both their race and the white people of America.

But, yielding to the dominating sentiment of the day, Lincoln appears soon to have modified his position, for in a message to Congress before the end of the same year he gave his own scheme a staggering blow by declaring that the objections to the free blacks remaining in this country were "largely imaginary, if not sometimes malicious." Had he lived and held to his position, had he turned toward Africa as a more suitable field for colonization, and induced Congress to take up the matter and appropriate ample funds, the exodus might have been accomplished in the course of years. The desire of Thomas Jefferson, of Henry Clay, of many of the patriot fathers, and of Abraham Lincoln himself, in his saner and unpersuaded moods, would thus have been fulfilled. If this alien people must remain among us, its own best interests demand that it be not congested in one section but scattered throughout the country, thus exciting less race prejudice; and the hope of the South, industrially and in all ways, is bound up with a continuing efflux of blacks and influx of whites. As for the North—after all that has happened—it has no right to complain of a fairer division of the burden, notwithstanding the hostile temper of its labor unions, the guardedly expressed but distinctly discouraging attitude of its newspapers to-

ward negro immigration from the South, and a changing sentiment among its people which seems to promise that the long strife between the sections over the imported African is rapidly nearing its end.

Stephens's speech before the Georgia legislature, on February 22, 1866, shows that from the outset he desired to see full justice done the negroes by the lawmakers and the public of his State; but during the reconstruction era, when it was his own race that looked in vain for justice, he, in common with every other Southern white man, had reason to regret that Lincoln's plan of colonizing the freedmen abroad had not been carried out. During that era, however, there was probably no native white man in Georgia to whom the negroes would have listened with the same patience and respect. His influence on those in his immediate section was described as "most beneficent." [1]

An incident that occurred when the blacks were no longer in power indicates the esteem in which Stephens was held by those of his own section, as well as that they now looked to him as a friend. On the 4th of July, 1876, the negro Sunday-schools of Taliaferro and adjacent counties, having assembled in a grove near Crawfordville to celebrate, expressed a wish to march in procession to "Liberty Hall" that afternoon and sing for its master. A cordial assent was given, and Stephens, then very feeble, was rolled in his chair out on the long piazza in view of the three thousand negroes, men, women and children, gathered on the lawn. Having listened with great pleasure to the hymns that were sung, he addressed the sable assemblage. He "advised them, cautioned them, encour-

[1] Johnston and Browne, p. 533.

aged them"; he "told them of the duties they owed themselves, of the duty of educating their children that they might understand the position in which they were placed, the new responsibilities that rested on them, and the all-importance of a faithful and intelligent performance of duty."[1] Finally, the three thousand negroes "marched in file past and each touched the feeble hand" of the invalid statesman.

[1] Johnston and Browne, pp. 532, 533.

CHAPTER XVIII

LAST YEARS

Speaking in 1868 of Southern men of ability and prominence, John Quincy Adams, of Massachusetts, said that "reconstruction" had "scorned their protests, repelled their aid, insulted their misery, and inflicted on them an abasement which they felt to be intolerable in posting over them their slaves of yesterday." Under the conditions thus truly described, Alexander H. Stephens, although desiring the best interests not only of his own section, but of the Union now supposed to be restored, was compelled to play an inactive rôle. Disfranchised, discredited and thrust aside, he could do little more than counsel his people to wait patiently for better days.

Being now too confirmed an invalid to resume active practice at the bar, he was called upon to face a period of complete repose, full of terrors for a man of his sleepless intellect and consuming melancholy. A correspondent of the Raleigh, N. C., *Standard*, of October, 1868, a "Radical" or Republican organ, described the Vice-President of the fallen Confederacy as feeble and almost decrepit. "His voice is shrill and cracked. His face is ploughed with a thousand lines and wrinkles;" but "his uneasy eye tells of a spirit still restless and active." It is easy to understand why this restless spirit, this untiring brain, now turned to literature for solace and occupation.

He set to work on his *Constitutional View of the Late War Between the States*, a book of 1,400 pages in two octavo volumes, completing it in about three and a half years (1867–70), although handicapped by frail health and not infrequent severe attacks of illness. His replies to his critics were later published in a volume entitled *Reviewers Reviewed*. A brief history of the United States, afterward extensively employed in Southern schools, was begun late in 1870 and completed in 1872. The success of his work, the royalty on the sale of the *Constitutional View* alone amounting to $35,000, tempted him to further labors in the historical field; and he undertook a *History of the United States*, which he succeeded in completing during the last year of his life and published shortly before his death in 1883. But owing to growing infirmities, the want of the same keen interest in a subject in large part already handled, and the distractions of a resumed political career, the book lacked the vigor of his earlier effort and was a financial failure.

The first volume of his most important work, the *Constitutional View*, is appropriately dedicated to "all true friends of the Union under the Constitution of the United States throughout their entire limits, without regard to present or past party associations; and to all true friends of Constitutional liberty, the world over, now and forever." This book is worth the attention of the modern student of history, if for no other reason, because it is the ablest defense of the secession of the Southern States that has been written. It will also appeal to the lover of home rule and constitutional government as opposed to the Federal centraliza-

tion of power and the enlargement of Executive prerogatives, which are noticeable features of our present political history as well as of the period in which Stephens wrote. This masterly presentation of its subject is less readable than it might have been owing to the form of dialogue adopted in order to represent fairly all sides of the various controversies, an object far more fully achieved than could reasonably be hoped in a period of such partisanship and bitterness.

Discussing the first volume in April, 1869, the disinterested London *Saturday Review* said :

"In justice to a brave, high-minded and most unfortunate people, and in due regard to historical truth and to the interests of political science, it is even now worth while to hear what a scholar, a man of deep political learning, of profound knowledge of constitutional history, of moderate opinions and temperate spirit, has to say in defense of principles which, however generally repudiated in 1866, were as generally entertained ten years before, and which the South deemed worth upholding with her whole wealth and her best blood. Mr. Stephens, if any one, may be expected to think and speak fairly and impartially on this subject. He was more consistent than any Northern opponent of secession; he is less embittered than any Southern secessionist. . . .

"The opinions and arguments of such a man are entitled, *a priori*, to respectful attention; when they are so just, so clear, so well reasoned, so amply supported by authorities of the highest character and of every class as we find them in the volume before us, they cannot but assist us greatly in forming a true judgment upon the nature and merits of the controversy. . . . A sovereign can have no judge, and the Federal Constitution provided no means by which one State could bring another to justice for wrong-doing or non-fulfill-

ment of engagements. In like manner there existed no legal mode whereby the Federal government could coerce a State which should exercise the right of sovereignty to redress its wrongs under the compact by renouncing the compact itself. A sovereign power is the judge of its own rights. Its subjects must obey it and defend it, right or wrong. It follows therefore from the sovereignty of the States that they were entitled legally to secede, if they chose, and that their citizens were bound to follow and to fight for the choice of the State. This was the view on which Stephens acted; and in its support he cites eminent authorities. . . . He calls Daniel Webster to testify that the systematic violation of the Constitution in the case of fugitive slaves was alone a sufficient vindication of the total repudiation by the South of a compact which the North observed only so far as she pleased. It is impossible, within our limits, to give a fair idea even of the outlines of such an argument; much more to convey a just impression of the lucidity, power of thought, vast and appropriate reading, and vigorous reasoning by which it is sustained. It would be difficult to name a more perfect masterpiece of constitutional reasoning and political disquisition; a work which might with greater advantage be placed in the hands of a young lawyer, who desired to see how those high questions, which are the common ground of the lawyer, the historian and the statesman, can be treated by one who combines the qualifications of all three. The book . . . may be confidently recommended as indispensable to every one who wishes really to understand either the Federal Constitution or the Civil War; and it will be ranked among the most valuable of those materials which the writers of this age are accumulating for the future historian of America."

It might be expected that a work published in the South's darkest hour, and placing her defeated cause

in so favorable a light before the world, would be received in the ruined section with universal gratitude as well as admiration. Yet the irony of fate ruled that the bitterest attack on the book and its author should be made among the people they defended. Even while declaring his conviction that "the Confederate cause was lost by our own dissensions," Benjamin H. Hill revived those disastrous dissensions by attacking Stephens and his history, and dragging into public view much that might better have been left to oblivion at a time when the ill-starred Confederate States were still prostrate under the desolating heel of the negro and the alien.

The bitter controversy that followed reflected no credit on either of the two eminent Georgians, and it was left to wiser citizens to entreat them to desist. It may be said in behalf of Stephens that being attacked, he felt compelled to defend himself. In his paper on the "Unwritten History of the Hampton Roads Commission," to which we have referred, Benjamin H. Hill virtually attributed the Confederacy's defeat to Stephens's arguments against the constitutionality of Confederate military laws, his attacks on the Davis administration, and his part in the peace movement in Georgia. It was charged that Stephens could have checked harmful activity on the part of Governor Brown at the critical hour of the Hampton Roads Commission, but, although urged, failed to interfere, and that therefore that conference was worse than useless. The paper declared that such men as Stephens were "not fit" to write Confederate history; that "the malcontents are not the men to pass judgment on the faithful," and that "those who were themselves notori-

ously impractical, or whose zeal, efficiency, or fidelity in any form to the cause was a matter of debate, could not agree with Mr. Davis during the war, and of writing books in their own defense since the war there is no end." The suggestion breathed throughout Hill's paper, though not stated in set terms, was that if Stephens was not at heart a traitor to the South, his course was such as to breed that suspicion in every reflecting mind. The damage done the Confederacy by Stephens through his untimely ardor for strictly constitutional government has already been discussed. That Davis, Hill and others should have been incensed at his course was natural, but there is nothing to support, and his whole life discountenances, the suspicion that he was insincere or that he was not eager for the success of the Confederate arms, however he might oppose the policies of the Davis administration.

Stephens wrote five long communications to the Augusta *Constitutionalist* in reply to Hill, and the latter as many more to the Atlanta *Constitution* in rejoinder. As a representative of the Davis administration, Hill had a real grievance, and this gave his argument a force it would otherwise have lacked. Stephens defended himself very ably. Both descended to bitter personal attack, and betrayed an ill-feeling that reached back to the quarrel and challenge to a duel in 1856. Hill's unfair assault on Stephens approached the extreme limit of vituperation, as in this passage of his letter of June 16, 1874—a masterpiece of its kind: "To what shall we liken him? We must not blaspheme the dead by hunting among them for his model. We will not insult the living by seeking among them for his rival. We cannot libel the innocent unborn

by supposing that among them he could ever have an imitator. No! this defamer of Davis and eulogist of Grant, this reckless accuser of despotism in the Confederacy and ready apologist of usurpations by Radicalism; this pretentious oracle of State sovereignty, and supple persecutor of manacled Louisiana; this wicked maligner of others and worshiping adulator of himself; this lord of slanderers, king of demagogues, and hero of marplots must be left forever alone—unapproached and unapproachable—in the ghostly solitude of his own irreconcilable and anomalous self, serene, self-adored and infamous!"

Stephens, who had admired Grant personally since their meeting in the preliminaries of the Hampton Roads Conference, said in 1873 that his greatest objection to him as President was "his rigid enforcement of the very bad laws which malcontent Republicans had carried through Congress,—some of them by fraud and perfidy as well as usurpation," and that in the matter of Louisiana not Grant himself, but those who made unjust laws and the courts that rendered wrongful decisions were to blame. To a man of Hill's temperament, Stephens's policy during the reconstruction era was likely at times to suggest that of kissing the hand which smites. It would be more just to describe it as the policy of the man who is wise and strong enough to rise above the wounded pride of a single person, and, for the sake of a whole people, to seek to conciliate the conqueror by every means consistent with honor. He ardently desired to bring the estranged sections nearer together as soon as possible, and therefore in 1873 favored war with Spain over the *Virginius* affair as a means to that end. The war over

Cuba, producing the result he had sought, came exactly twenty-five years later. Stephens's early policy of conciliation, and of urging all Southern men who were allowed to take part in elections and accomplish what good they might, was naturally criticized by the proud, despairing spirits who washed their hands of everything and stood aloof. He was also bitterly accused by those "New Departure" Democrats who supported Horace Greeley in 1872. Stephens opposed their policy on the ground that it was a mistake to sacrifice true Democratic principles of State rights and home rule in support of a centralist, even though friendly to the South, who could not possibly be elected, and his prophecy that Greeley would not carry a single Northern State was duly fulfilled. He consistently stood for the "straight-out" Democratic ticket, which avowed strict adherence to the principles of Jefferson, and was represented by Charles O'Connor, of New York, and John Quincy Adams, of Massachusetts.

In 1869 Stephens declined a chair of political science in the University of Georgia. In the same year he became a cripple, ever after employing crutches—the result of an acute attack of inflammatory rheumatism, aggravated by an accident (a heavy gate falling on him), in which the sciatic nerve was injured. It was expected that this, added to his constitutional frailty, would end his career; yet such was his energy that he continued his historical writings, and in the spring of 1871 purchased an interest in the *Southern Sun*, published at Atlanta, thereafter devoting much labor to the writing of editorials expressing his views on the issues of the times, the greatest of which, in his opinion, was not whether a State had a right to secede, but whether

a State had *any* rights which the central government might not set aside at its pleasure. Many of these editorials, which were always signed "A. H. S.," were several columns in length, and one in the issue of July 11, 1871, filled five and a half columns. Such ponderous journalism could hardly be a popular success, and within less than three years he withdrew from the enterprise some $20,000 poorer than at the outset.

Stephens has been described, more or less correctly, as an "amiable egotist," and it did not surprise his friends when he noted editorially in the *Sun* his own movements to and from "Liberty Hall" and the capital, as in the article in the issue of November 26, 1872, discoursing upon "Our Visit to Atlanta." His life-long friend Robert Toombs, at this time living in retirement at Washington, Ga., is reported to have commented: "Oh, yes, that's the way with Alec—always posing before the public. He won't be satisfied until he corrects the proofs of his own obituary." This is precisely what he did do a few years later, according to Mr. Clark Howell. Believing from the accounts of one of his severe attacks that death was near, the editors of the Atlanta *Constitution* prepared an elaborate obituary and biographical sketch, and when the sufferer unexpectedly rallied and became fairly well once more, this was sent to him for approval and he cheerfully corrected and returned it to the publishers, who, later on, had they been so minded, might have "scooped" their rivals with "The Only True Obituary of Alexander H. Stephens, Corrected by Himself." Stephens's sense of humor, which was strikingly manifested at times, accompanied him to his last illness, during which he said to his secretary, who was

urging food on him: "Slidell, don't you know you ought not to feed a horse until he whickers?"

The files of the *Southern Sun* reveal the interesting fact that when, during the Greeley campaign, the controversy of that newspaper and the *Constitution* reached a bitter stage, Stephens suddenly gave up his whole editorial page to a reprint of "The Code of Honor, or Rules for the Government of Principals and Seconds in Duelling," by John Lyde Wilson. An introductory editorial note signed "A. H. S.," stated: "We believe the publication of this 'Code' at this time is peculiarly opportune." The frail "mannikin" who had challenged big "Ben" Hill in 1856 was still himself, in spite of his crutches and his roller-chair.

The death of his beloved half-brother and most intimate of friends, Judge Linton Stephens, in the summer of 1872, was a crushing blow to the invalid of "Liberty Hall," from which he was long in recovering. Greater distraction even than writing history and political editorials was soon found necessary for one who had ever sought refuge from his own consuming melancholy in an active public life; and in December of the same year, while visiting Atlanta, he announced himself as a candidate for the United States Senate on the issue between "straight-out" Democracy and the "New Departure." But he who might have gone to the Senate before the war had not his friendship for Toombs prevented, and was elected to the Senate in 1866, but was not allowed to take his seat, was now defeated by the dashing soldier, General John B. Gordon. Nevertheless, driven by his miseries and the necessity of forgetfulness in public activities, he promptly determined to appear once more in the lower house of Con-

gress, and was elected, without an opposing vote, to fill a vacancy that had occurred. The New York *Commercial Advertiser's* comment, in February, 1873, on Stephens's reappearance in Congress, was typical of the dominating Northern attitude throughout the reconstruction period. But for the work of the friends of established institutions and a reluctance among all thinking people to repudiate the Constitution and set up an empire in form as well as in essence, the indications are that the impulse to hold the Southern States as "dependencies forever" might have triumphed. Representatives from the South in Congress were looked upon as there, not of right, but on sufferance through the magnanimous concession of the triumphant States which alone were "the nation." Thus we find the *Commercial Advertiser* saying: "Alexander H. Stephens does not emulate the modesty of the rose. He positively refuses to 'pine upon the bush.' He is not only ready to be plucked but means to oblige somebody to pluck him. He feels that his dear Georgia cannot get along without him at Washington." The *Advertiser* admitted, however, that "this little irrepressible human steam engine, with a big brain and scarcely any body, is one of the most accomplished parliamentarians the world has ever seen," and, therefore, graciously consented to his return to Congress with a concluding, "Let him come back."

Three years later the correspondent of a more friendly Northern newspaper—illustrating the gradual growth of a somewhat better state of feeling—thus described him as he appeared in the House, at a time when his physical sufferings were greater than usual: "A little way up the aisle sits a queer-looking bundle.

An immense cloak, a high hat, and peering somewhere out of the middle a thin, pale, sad little face. This brain and eyes enrolled in countless thicknesses of flannel and broadcloth wrappings belong to Hon. Alexander H. Stephens, of Georgia. How anything so small and sick and sorrowful could get here all the way from Georgia is a wonder. If he were to draw his last breath any instant you would not be surprised. If he were laid out in his coffin he need not look any different, only then the fires would have gone out in those burning eyes. Set, as they are, in the wax-white face, they seem to burn and blaze. Still, on the countenance is stamped that pathos of long-continued suffering which goes to the heart. That he is here at all to offer the counsels of moderation and patriotism proves how invincible is the soul that dwells in his shrunken and aching frame."

During this, his second career in Congress, Stephens was handicapped by the fact that he came from a discredited and disconsidered section, but he none the less boldly championed the Constitutional rights of the States as against the aggressions of the Federal government. He ably opposed on Constitutional grounds as an invasion of State jurisdiction, the Civil Rights Bill, the object of which, briefly stated, was to force the whites of the South, on pain of heavy fine, not only to sit beside the blacks in public conveyances, in theatres, in schools, in churches, and to eat with them in hotels, but to lie beside them in cemeteries.[1]

[1] ". . . or any cemetery . . . that shall make any distinction as to admission or accommodation," etc. The framers of this bill stopped just short of providing for the intimate relations of the two races in the world to come. Not until 1883 was this act declared to be unconstitutional.

Stephens pointed to the decision handed down by the Supreme Court in the "Slaughter House Cases," affirming that the Fourteenth Amendment did not transfer the security and protection of civil rights from the States to the Federal government, nor bring the domain of those rights within the jurisdiction of Congress; but that all the essential features of the original Federal system remained unchanged. And further:

"Interference by the Federal government, even if the power were clear and indisputable, would be against the very genius and entire spirit of our whole system. If there is one truth which stands out prominently above all others in the history of these States, it is that the germinal and seminal of American Constitutional liberty is the absolute unrestricted right of State self-government in all purely internal affairs. The first union of the Colonies, from which sprung the union of the States, was by joint action to secure this right of local self-government for each. It was when the chartered rights of Massachusetts were violated by a British parliament that the cry first went up from Virginia, 'The cause of Boston is the cause of us all!' This led to the declaration and establishment of the independence, not of the whole people of the united colonies as one mass, but of the independence of each of the original thirteen colonies, then declared by themselves to be, and afterward acknowledged by all foreign powers to be, thirteen separate and distinct States. . . . Since the passions and prejudices which attended the [late armed] conflict are fast passing away, the period has now come for the descendants of a common ancestry, in all the States and sections of the country, to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my

judgment, not only the liberty of the white and colored races on this continent, but the best hopes of mankind."

This appeal did not receive its desired answer, however, until 1883, nine years later, when the second Civil Rights Act was finally declared unconstitutional. Meanwhile—for even so serious a matter as an invasion of the Constitutional rights of the States may have its humorous side—ignorant, blustering Southern negroes continued to prove that they were "as good" as the most intelligent and gently nurtured whites and "a heap better'n po' buckra" by pointing to the fact that "de Silver Rights bill done pass'."

A bit of legislation with which Stephens was actively connected at this period, and for which he was much censured, was the "salary grab," or the increasing of the salaries of Congressmen and doubling that of the President, his arguments in favor of the measure being sound and convincing. He was also criticized in the South for advocating acquiescence in the partisan decision of the Electoral Commission in 1876; yet any other policy would have been madness, for the dominating majority in the North would not have suffered the presence of a Democratic President in the White House at that period and only a military conqueror could have seated him. This is clear from the suppressed excitement caused by the election of Cleveland even as late as 1884. Stephens was also the object of censure because of his action at the close of the session of 1874–5 in voting to take up and adopt the report of the Committee on Louisiana Affairs, but his vote, which turned the scale, brought up the consideration of that report and was instrumental in leading to

the unanimous condemnation by the House of the infamous returning board of the carpetbag régime in that afflicted commonwealth.

An important event in Stephens's second career in Congress under the changed conditions was his speech on February 12, 1878, in the sixty-seventh year of his age, at the uncovering of Carpenter's painting, "The Signing of the Emancipation Proclamation." The invitation and his acceptance were significant signs of a real movement in the direction of that reunion and fraternity which he so greatly desired. Among the congratulatory letters following his "patriotic address" was one from President Barnard, of Columbia College, which read, in part: "It is indeed a marvelous thing how, after her trials, the South still continues to maintain her noble preëminence in statesmanship and in moral dignity; and still more marvelous, perhaps, that one who had been so conspicuous in the councils of the nation before the war, and also during the progress of that painful struggle had been identified with equal prominence with the Southern cause, should continue after all to command equally, North and South, a homage, a respect, and a confidence which are awarded by the people to hardly any other." In intent, and in large part in performance, Stephens may with propriety be described as the Henry Clay, the patriotic peacemaker, of this troublous period.

In 1882, having at last retired from Congress at the age of seventy, Stephens was persuaded to become a candidate for governor of his native State. Unsatisfied ambition was charged upon him by his opponents, but his impelling motive was doubtless the same as always

—to occupy his mind and escape from himself in public activities. He was still an Orestes driven by the furies of restless melancholy. But if he had foreseen the strength and bitterness of the opposition he would probably have refrained. His war and reconstruction records were intemperately and too often unjustly attacked. The Macon *Telegraph* tauntingly inquired of the Atlanta *Constitution* if it was "charmed" with Stephens's contributions during reconstruction "toward the deliverance of Georgia from the flies and the frogs and lice and other vermin that were spewed into our midst by the enemies of our rights and liberties." It was also objected that he was too weak and old—which was true enough—and he was not infrequently referred to as "The Roller-chair." In some instances he was opposed partly because his nomination interested and seemed to please Northern editors, this being interpreted as a sign that his fidelity to his own section might justly be questioned.

Cut to the soul by the unexpected strength and bitter temper of the opposition—having been led to look for virtual unanimity in his favor—Stephens imposed upon himself the heavy task of pleasing all factions by the superiority and justice of his administration. It was conceded that he made a good governor during the short time allowed him (he was inaugurated in the autumn of 1882 and died early in 1883), but the effort of his great will to rouse his failing energies and rise to the occasion imposed too severe a tax on his frail body. Instead of holding the reins of government at Atlanta and wrestling with self-seeking politicians, he should now have been in the enjoyment of the peace and rest of "Liberty Hall" which outraged nature so

piteously demanded; yet no one ever desired to die in harness more sincerely than he. His final collapse was attributed by his physician to the constant and excessive overtaxing of his brain. He died on Sunday, March 4, 1883.

A great life, full of tragedy both public and private, yet also full of triumph and of usefulness, was ended. The Latin phrase, "*Non sibi, sed aliis*," on the tomb of Georgia's "great commoner" at Crawfordville, is more than official eulogy. Though a sufferer in body and spirit throughout life, though the victim of ills which only through great courage and patience could be endured, he furnished innumerable proofs of an unselfish and high devotion to other than self—to friends, neighbors, to all in need, to his State, his section, the country and the public at large. His religion, which was simple and genuine, may be described in the single phrase, character is salvation. This was illustrated when, during his last illness, prayer and Bible reading at his bedside were proposed. He objected, not to these things in themselves, but to them as suggesting a "death-bed repentance," explaining: "I have made it the rule of my life to live each day as if it were to be my last. In the heat of politics I may have sometimes forgotten myself, but I am no better to-day on my death-bed than I have tried to be every day of my life, and I have no special preparations to make and no special pleas to offer."

The last rites were attended by all the dignity with which a great State could invest the observances in honor of its deceased chief magistrate. Many thousands of both races viewed the body as it lay in state in the capitol. The memorial was a notable gathering

of statesmen and prominent citizens. Robert Toombs wept as he praised his life-long friend. He declared that Stephens always dared to follow his convictions, whatever the consequences, and recalled how he had said after the fall of the Confederacy: "I am old and weak in bodily infirmity, but I have done my duty to God and my country, and I am ready for whatever fate may be assigned to me." Of the many tributes of speakers at the many memorial gatherings in Southern cities, of the public estimate shown in the resolutions of State legislatures and of the Congress of the United States, it is unnecessary to speak here.

Though not a source of strength to the warring Confederacy, Alexander H. Stephens served the South well before the great crisis, and after it his wisely directed efforts were no small factor among the forces that brought to an end the era of passion and despotism. Of his wider usefulness, it may be said that the thanks of all American patriots are due to him as an untiring champion of Constitutional government and home rule within the States, as opposed to threatening encroachments of the Federal power. For these he wrought mightily when they were most imperiled, and the possible day when the republic of North America shall be merged into the all of empire except the name has been made more distant as a result of his efforts.

The heritage of the American people is greatness, even though new "world-power" responsibilities threaten the integrity of our early institutions, even though the individual liberty of the past be impaired by complex modern conditions of industrialism and finance. Stephens was ever and would be still an opti-

mist, although to the end he was pursued by the fear that during the fifteen years of revolution from 1861 to 1876 the cause of Constitutional government in this country had received a blow from which it would never recover. It may be that the fathers of the Federated American republic would confess to similar fears for the future could they know of the present tendencies toward a greater extension of the Federal power at the expense of the States, as well as an expansion of the prerogatives of the Executive at the cost of the coördinate branches of the government, and that, moreover, the chief magistrate of the republic in our time is also the protector of San Domingo, the suzerain of Cuba, the virtual supervisor of Latin-America, and the imperial overlord of Tutuila, Guam, Porto Rico, and the thousand islands of the Philippines.

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